

SIXTIETH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, March 14, 1991

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Day, Locke, Phillips and Wineberry. On motion of Mr. Bray, Representatives Appelwick, Locke and Phillips were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Josh Fanning and Todd Burley. Prayer was offered by The Reverend Ron Gadde, Minister of Gloria Dei Lutheran Church of Olympia.

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

MESSAGE FROM THE SENATE

March 13, 1991

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
 SUBSTITUTE SENATE BILL NO. 5305,
 SUBSTITUTE SENATE BILL NO. 5346,
 SUBSTITUTE SENATE BILL NO. 5357,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5363,
 SUBSTITUTE SENATE BILL NO. 5381,
 SUBSTITUTE SENATE BILL NO. 5383,
 SENATE BILL NO. 5391,
 SUBSTITUTE SENATE BILL NO. 5418,
 SENATE BILL NO. 5434,
 SUBSTITUTE SENATE BILL NO. 5435,
 SENATE BILL NO. 5449,
 SUBSTITUTE SENATE BILL NO. 5450,
 SUBSTITUTE SENATE BILL NO. 5465,
 SENATE BILL NO. 5473,
 SUBSTITUTE SENATE BILL NO. 5480,
 SENATE BILL NO. 5512,
 SENATE BILL NO. 5544,
 SUBSTITUTE SENATE BILL NO. 5548,
 SUBSTITUTE SENATE BILL NO. 5554,
 SUBSTITUTE SENATE BILL NO. 5576,

SUBSTITUTE SENATE BILL NO. 5577,
 SENATE BILL NO. 5586,
 SUBSTITUTE SENATE BILL NO. 5611,
 SUBSTITUTE SENATE BILL NO. 5613,
 SENATE BILL NO. 5619,
 SENATE BILL NO. 5630,
 SUBSTITUTE SENATE BILL NO. 5632,
 SUBSTITUTE SENATE BILL NO. 5634,
 ENGROSSED SENATE BILL NO. 5640,
 SUBSTITUTE SENATE BILL NO. 5645,
 SUBSTITUTE SENATE BILL NO. 5665,
 ENGROSSED SENATE BILL NO. 5704,
 SUBSTITUTE SENATE BILL NO. 5713,
 SUBSTITUTE SENATE BILL NO. 5720,
 SENATE BILL NO. 5722,
 SUBSTITUTE SENATE BILL NO. 5762,
 SENATE BILL NO. 5767,
 SUBSTITUTE SENATE BILL NO. 5806,
 SUBSTITUTE SENATE BILL NO. 5807,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5810,
 SENATE BILL NO. 5816,
 SUBSTITUTE SENATE BILL NO. 5820,
 SENATE BILL NO. 5821,
 SENATE BILL NO. 5834,
 SUBSTITUTE SENATE BILL NO. 5835,
 SUBSTITUTE SENATE BILL NO. 5852,
 SENATE BILL NO. 5863,
 SENATE BILL NO. 5875,
 SUBSTITUTE SENATE BILL NO. 5876,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2185 by Representatives Holland, Hargrove, Forner, Silver, Bowman, Wynne, Beck, Fuhrman, Morton, Edmondson, May, Wilson, Padden, Neher, Nealey, Broback, Schmidt, Horn, Casada, Tate, Brumsickle, Lisk, Ferguson, Hochstatter, Orr, Moyer, Mielke, Paris, Chandler, D. Sommers, P. Johnson, Ballard, Miller, Vance, Brough, McLean, Mitchell, Winsley, Zellinsky and Ludwig

AN ACT Relating to stopping the growth of state employment; amending RCW 43.88.160; and creating new sections.

Referred to Committees on State Government/Appropriations.

HJM 4021 by Representatives Morton, Morris, Ballard, McLean, Fuhrman, Mielke, Nealey, Ludwig, Inslee, Hochstatter, Chandler, Lisk, Bray, Hargrove, Padden, Beck, Dellwo, Neher, Tate, Vance and Orr

Asking for a reduction in restrictions on Lake Roosevelt.

Referred to Committee on Natural Resources & Parks.

HJM 4022 by Representatives Heavey, Winsley and Braddock

Requesting Congress to create the territory of Lincoln.

Referred to Committee on State Government.

ESSB 5121 by Senate Committee on Governmental Operations (originally sponsored by Senators Metcalf, Talmadge, McCaslin, Owen, Thorsness, Vognil, Rinehart, Sellar, L. Smith, Sutherland, Roach, Amondson, Hayner, Rasmussen, Bailey, Moore, Barr, Oke, Wojahn, Nelson, von Reichbauer, Bauer, Gaspard, L. Kreidler, Johnson, Stratton, Skratek and Erwin)

Protecting whistleblowers.

Referred to Committee on State Government.

SSB 5305 by Senate Committee on Education (originally sponsored by Senators Owen and Craswell)

Conditioning the reduction of a student's suspension on the commencement of counseling.

Referred to Committee on Education.

SSB 5346 by Senate Committee on Law & Justice (originally sponsored by Senator Nelson)

Defining the crime of communication with a minor for immoral purposes.

Referred to Committee on Judiciary.

SSB 5357 by Senate Committee on Energy & Utilities (originally sponsored by Senators Barr and Madsen; by request of Joint Select Committee on Water Resource Policy)

Directing that criteria be established designating individuals or water purveyors as satellite system management agencies.

Referred to Committee on Natural Resources & Parks.

ESSB 5363 by Senate Committee on Law & Justice (originally sponsored by Senators Thorsness, Rasmussen, Nelson, Newhouse, Hayner, Madsen, A. Smith, Erwin and L. Kreidler; by request of Department of Corrections)

Providing for an administrative process for legal financial obligations.

Referred to Committee on Human Services.

SSB 5381 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators West, Gaspard, Bailey, Hansen, Bauer and L. Smith)

Allowing a veterinarian to dispense legend drugs prescribed by another veterinarian.

Referred to Committee on Agriculture & Rural Development.

SSB 5383 by Senate Committee on Commerce & Labor (originally sponsored by Senators Hansen, Snyder, Matson, Barr and Skratek)

Regarding the administration of prevailing wages.

Referred to Committee on Commerce & Labor.

SB 5391 by Senators Thorsness, Sutherland and Stratton; by request of Utilities & Transportation Commission

Authorizing the utilities and transportation commission to appoint persons to do emergency adjudications.

Referred to Committee on Energy & Utilities.

SSB 5418 by Senate Committee on Law & Justice (originally sponsored by Senators Thorsness, Rasmussen, Nelson and Talmadge)

Creating an interagency criminal justice work group.

Referred to Committees on Judiciary/Appropriations.

SB 5434 by Senators Patterson, Snyder and Hansen; by request of Utilities & Transportation Commission

Repealing certain regulatory authority over railroads.

Referred to Committee on Transportation.

SSB 5435 by Senate Committee on Ways & Means (originally sponsored by Senators L. Kreidler, Metcalf, Owen, Amondson, Sutherland, Snyder, Patterson, Oke, Wojahn and Conner)

Providing for redeemable credits or deposits on automotive products.

Referred to Committee on Revenue.

SB 5449 by Senators Sellar, Vognild and Bailey

Requiring notice of the appeals process to discharged educational employees.

Referred to Committee on Education.

SSB 5450 by Senate Committee on Commerce & Labor (originally sponsored by Senators Sellar, Snyder, Matson, Moore, McMullen, McDonald and Skratek)

Concerning pasteurization in relation to licenses for the sale of beer.

Referred to Committee on Commerce & Labor.

SSB 5465 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators West, Moore, Conner, McDonald, Newhouse, Nelson, Bluechel, Johnson, Niemi, Wojahn and von Reichbauer)

Concerning the ratio of pharmacy assistants.

Referred to Committee on Health Care.

SB 5473 by Senators McCaslin and Madsen; by request of Department of General Administration

Creating the tort claims revolving fund.

Referred to Committee on State Government.

SSB 5480 by Senate Committee on Environment & Natural Resources (originally sponsored by Senators Oke, Owen, Sutherland and Metcalf; by request of Department of Ecology)

Pertaining to the applicability of the uniform fire code to underground storage tank laws.

Referred to Committee on Environmental Affairs.

SB 5512 by Senators McCaslin and Madsen

Prohibiting connection of a sewer without approval of sewer district.

Referred to Committee on Local Government.

SB 5544 by Senator Metcalf

Authorizing corporations to use a private mailbox as a mailing address.

Referred to Committee on Judiciary.

SSB 5548 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators L. Smith and West)

Changing the limitations on adult family home providers.

Referred to Committee on Health Care.

SSB 5554 by Senate Committee on Ways & Means (originally sponsored by Senators Cantu, Gaspard, L. Smith, Owen and Anderson)

Changing the disposition of professional license fees.

Referred to Committee on Revenue.

SSB 5576 by Senate Committee on Agriculture & Water Resources (originally sponsored by Senators West and Niemi; by request of Department of Health)

Establishing a license to practice specialized veterinary medicine.

Referred to Committee on Agriculture & Rural Development.

SSB 5577 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators West and Niemi; by request of Department of Health)

Revising the responsibilities of the board of medical examiners.

Referred to Committee on Health Care.

SB 5586 by Senators McCaslin, Sutherland and Roach; by request of Military Department

Making technical corrections to provisions for the state militia.

Referred to Committee on State Government.

SSB 5611 by Senate Committee on Transportation (originally sponsored by Senators Matson, Patterson, Snyder and Conner)

Studying the excise tax imposed upon car rental vehicles.

Referred to Committee on Transportation.

SSB 5613 by Senate Committee on Commerce & Labor (originally sponsored by Senators Matson, Moore, McCaslin, McMullen, Snyder, Bauer, Vognild, Sutherland, Thorsness, Johnson and Hansen)

Regulating pawnbrokers and second-hand dealers.

Referred to Committee on Commerce & Labor.

SB 5619 by Senators McCaslin and Madsen; by request of Secretary of State

Concerning candidates filing fees.

Referred to Committee on State Government.

SB 5630 by Senators McCaslin, Madsen and Nelson; by request of Department of Wildlife

Exempting certain permits and licenses from the definition of a fee.

Referred to Committee on Natural Resources & Parks.

SSB 5632 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators West, Niemi and Johnson)

Redefining what an ocularist is and his or her apprenticeship period.

Referred to Committee on Health Care.

SSB 5634 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Cantu, Bailey and A. Smith)

Requiring that dentists' offices comply with requirements for sterilization of equipment and infection control.

Referred to Committee on Health Care.

ESB 5640 by Senators Craswell, Rasmussen, Bailey, McDonald, Cantu and Thorsness

Providing an alternate teacher certification program.

Referred to Committee on Education.

SSB 5645 by Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness and Williams)

Changing liability of handlers of low-level waste.

Referred to Committee on Energy & Utilities.

SSB 5665 by Senate Committee on Children & Family Services (originally sponsored by Senators L. Smith, Stratton and Craswell)

Changing provisions relating to dependent children.

Referred to Committee on Human Services.

ESB 5704 by Senators Owen and Metcalf

Ensuring that local governments have a flood control plan.

Referred to Committee on Local Government.

SSB 5713 by Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Barr and Hansen; by request of Department of Agriculture)

Making changes to license administration by the department of agriculture.

Referred to Committee on Agriculture & Rural Development.

SSB 5720 by Senate Committee on Transportation (originally sponsored by Senators Patterson, Vognild and Nelson; by request of Department of Transportation)

Recodifying statutes on motorist information signs.

Referred to Committee on Transportation.

SB 5722 by Senators Oke and Owen; by request of Department of Natural Resources

Providing a department-wide interest policy for the department of natural resources.

Referred to Committee on Natural Resources & Parks.

SSB 5762 by Senate Committee on Energy & Utilities (originally sponsored by Senators Hayner, Cantu and Thorsness)

Financing water company safety improvements.

Referred to Committee on Energy & Utilities.

SB 5767 by Senators Sellar, Pelz and von Reichbauer.

Permitting public utility districts to borrow from or establish credit with any financial institution.

Referred to Committee on Local Government.

SSB 5806 by Senate Committee on Transportation (originally sponsored by Senators Patterson, Matson, Hansen, Vognild, Snyder, Barr, Hayner, Newhouse, Owen, Oke, Metcalf, Jesernig, Madsen, Conner, McMullen, Sellar, Johnson, Bailey and L. Smith)

Authorizing loans and grants to preserve underground petroleum storage tanks in rural areas.

Referred to Committee on Financial Institutions & Insurance.

SSB 5807 by Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Newhouse, Bauer, Barr and Gaspard)

Modifying provisions for transfer or change of a right related to public water.

Referred to Committee on Natural Resources & Parks.

ESSB 5810 by Senate Committee on Governmental Operations (originally sponsored by Senators Rasmussen, McCaslin and L. Smith)

Creating state-wide affordable housing.

Referred to Committee on Housing.

SB 5816 by Senator McCaslin

Allowing the county to award to multiple bidders for the procurement of road maintenance materials.

Referred to Committee on Local Government.

SSB 5820 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators L. Smith, Niemi, Bailey, L. Kreidler and Bauer)

Developing a children's long-term care policy.

Referred to Committee on Human Services.

SB 5821 by Senators Craswell, Owen and Oke

Modifying provisions relating to the creation of air pollution control authorities.

Referred to Committee on Environmental Affairs.

SB 5834 by Senator McCaslin; by request of Secretary of State

Updating archiving methods.

Referred to Committee on State Government.

SSB 5835 by Senate Committee on Law & Justice (originally sponsored by Senators Sellar, Talmadge and Nelson)

Giving the parks and recreation commission responsibility for signs on aerial ski lifts.

Referred to Committee on Natural Resources & Parks.

SSB 5852 by Senate Committee on Law & Justice (originally sponsored by Senators Nelson and Thorsness; by request of Sentencing Guidelines Commission)

Authorizing work crews for criminal offenders.

Referred to Committee on Human Services.

SB 5863 by Senator Sellar

Correcting internal references in rail freight property acquisition statutes.

Referred to Committee on Transportation.

SB 5875 by Senators Niemi, Nelson, Madsen, Thorsness and Rasmussen; by request of Sentencing Guidelines Commission

Increasing the penalties for selling controlled substances for profit.

Referred to Committee on Judiciary.

SSB 5876 by Senate Committee on Environment & Natural Resources (originally sponsored by Senators Amondson, Snyder, Anderson, Conner, Metcalf, Vognild, Nelson, Sutherland, Oke and Bauer)

Specifying liability for oil spill response.

Referred to Committee on Environmental Affairs.

MOTION

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

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

REPORT OF STANDING COMMITTEE

March 13, 1991

HB 1392 Prime Sponsor, Representative Locke: Making major changes to acupuncturist licensure. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute House Bill No. 1392 be substituted therefor, and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; Franklin; Morris; Paris; Prentice; and Sprenkle.

Referred to Committee on Appropriations.

The Speaker (Mr. O'Brien presiding) referred the bill listed on today's committee reports under the fifth order of business to the committee so designated.

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

RESOLUTION

HOUSE RESOLUTION NO. 91-4639, by Representatives Dorn and Rasmussen

WHEREAS, The Eatonville Cruisers are the 1990 State A Boys Football Champions; and

WHEREAS, Such an accomplishment can only be achieved by a team of young people possessing strong feelings of self-worth and self-esteem; and

WHEREAS, Each and every member of the team played a key role in the march to victory; and

WHEREAS, This victory could only be achieved with the cooperation of the coach, staff, district, community, and the students;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Eatonville Cruisers Boys Football Team for this well-earned championship and for its contribution to the spirit of the entire student body; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Captain of the Eatonville Cruisers Boys Football Team, the head coach, the principal, and the student body president.

Mr. Dorn moved adoption of the resolution. Representatives Dorn, Rasmussen and Inslee spoke in favor of the resolution.

House Resolution No. 91-4639 was adopted.

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

SECOND READING

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that the House would begin consideration of House Bills on the suspension calendar. The motion was carried.

HOUSE JOINT MEMORIAL NO. 4008, by Representatives R. King, Hochstatter, Cole, Orr, Haugen, Basich, Wilson, Spanel, Fuhrman, Padden, Winsley, D. Sommers, Bowman, Paris, May, Miller, Riley, Brough, Silver, Nealey, Forner, Wynne, Sheldon, Fraser, Phillips, Jones, Brumsickle, Nelson, Neher, Horn, Casada, H. Myers, Leonard, Moyer, Sprenkle, Brekke and Anderson

Requesting Congress and the President to ban driftnets.

The memorial was read the second time.

Mr. R. King moved that the committee recommendation be adopted (For committee amendment, see Journal, 44th Day, February 26, 1991.) and the engrossed memorial be advanced to third reading.

The Speaker stated the question before the House to be final passage of Engrossed House Joint Memorial No. 4008.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Memorial No. 4008, and the memorial passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 2, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Day, Wineberry - 02.

Excused: Representatives Appelwick, Locke, Phillips - 03.

Engrossed House Joint Memorial No. 4008, having received the constitutional majority, was declared passed.

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

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

Representatives Appelwick, Day, Locke and Wineberry appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1390 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1390, by Representatives Hine, Leonard, Winsley, Belcher, Holland, Prentice, Jones, Sprenkle, Fraser, Brekke, H. Myers, Anderson, Riley, Heavey, Inslee, R. Meyers, Dorn, Cooper, G. Fisher, Basich, Pruitt, Bray, Franklin, Phillips, Valle, Roland, Rasmussen, Scott, Dellwo, Sheldon, O'Brien, Jacobsen, Wang and Rayburn

Creating a community mobilization program for teens.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Human Services as amended by Committee on Appropriations. For committee amendment, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Spanel, Substitute House Bill No. 1390 was substituted for House Bill No. 1390, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1390 was read the second time.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations and spoke in favor of it. The committee amendment was adopted.

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

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

Representatives Hine, Leonard, Holland and Wineberry spoke in favor of passage of the bill, and Representatives Winsley, Moyer and Padden spoke against it. Ms. Hine again spoke in favor of the bill.

POINT OF INQUIRY

Ms. Hine yielded to question by Mr. Moyer.

Mr. Moyer: My particular agency in Spokane is called Crosswalk. Would Crosswalk be eligible for this program as a lead agency should they qualify?

Ms. Hine: Without knowing the specifics I couldn't tell you, but I would think that, yes, indeed they would.

Mr. Moyer: They are a teen program at this point--privately funded.

Ms. Hine: I think it would be a very logical lead agency.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1390, and the bill passed the House by the following vote: Yeas - 73, Nays - 24, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bowman, Braddock, Bray, Brekke, Brough, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Wood, Wynne, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Ballard, Beck, Betrozoff, Broback, Brumsickle, Casada, Chandler, Day, Fuhrman, Hargrove, Hochstatter, Johnson P., Lisk, McLean, Mielke, Miller, Mitchell, Morton, Padden, Prince, Silver, Sommers, D., Tate, Winsley - 24.

Excused: Representative Phillips - 01.

Engrossed Substitute House Bill No. 1390, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1543, by Representatives Fraser, Belcher, Winsley, Leonard, Beck, Hine, Ebersole, Brekke, Jones, Pruitt, Holland, Jacobsen and Heavey

Providing family support for schools with at-risk students.

The bill was read the second time. On motion of Ms. Leonard, Substitute House Bill No. 1543 was substituted for House Bill No. 1543, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1543 was read the second time.

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

Representatives Fraser and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1543, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Phillips - 01.

Substitute House Bill No. 1543, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1608, by Representatives Leonard, Winsley, Rasmussen, Beck, Anderson, Hargrove, Brekke, Bowman, Dorn, Hine, Rust, Riley, Spanel, H. Myers, Dellwo, Phillips, Haugen, Jacobsen, Jones, R. King, Pruitt, Basich, R. Johnson, Van Luven, Holland, Valle, Paris, Belcher, Sheldon and O'Brien

Improving services for children.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Human Services as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Leonard, Substitute House Bill No. 1608 was substituted for House Bill No. 1608, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1608 was read the second time.

On motion of Ms. Spanel, the committee amendment by Committee on Appropriations was adopted.

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

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

Representatives Leonard and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1608, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Fuhrman, Morton, Padden - 03.

Excused: Representative Phillips - 01.

Engrossed Substitute House Bill No. 1608, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1609, by Representatives Leonard, Winsley, Riley, Brekke, R. King, Anderson, Phillips, Dellwo, Spanel, Haugen, Hine, Jones,

Pruitt, Basich, R. Johnson, Van Luven, Wang, Valle, Inslee, Belcher, Sheldon and O'Brien

Developing additional mental health services for children.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Human Services as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Leonard, Substitute House Bill No. 1609 was substituted for House Bill No. 1609, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1609 was read the second time.

On motion of Ms. Spanel, the committee amendment by Committee on Appropriations was adopted.

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

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

Representatives Leonard and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1609, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Edmondson, Lisk - 02.

Excused: Representative Phillips - 01.

Engrossed Substitute House Bill No. 1609, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1901 and House Bill No. 1569. The motion was carried.

HOUSE BILL NO. 1901, by Representatives Appelwick, Padden, Tate, Ludwig, R. Meyers, Riley, Former, Inslee, Paris, H. Myers, Vance, Broback, D. Sommers, Holland, Rasmussen, Brough, Dorn, Wang, Winsley, Wynne, McLean, Wood, Moyer and Rayburn

Amending the juvenile justice act.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 1901 was substituted for House Bill No. 1901, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1901 was read the second time.

Mr. Wineberry moved adoption of the following amendment by Representatives Wineberry, Ebersole, Padden, Leonard and McLean:

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

"NEW SECTION. Sec. 2. The department of social and health services, in cooperation with the commission on African American affairs, shall contract for an independent study of racial disproportionality in the juvenile justice system. The study shall identify key decision points in the juvenile justice system where race and/or ethnicity-based disproportionality exists in the treatment and incarceration of juvenile offenders. The study shall identify the causes of disproportionality, and propose new policies and procedures to address disproportionality.

The department shall submit the study's preliminary findings and recommendations to the juvenile justice task force established under section one of this act by September 13, 1991. The final report shall be submitted to the appropriate committees of the legislature by December 1, 1991.

The juvenile justice task force shall utilize the information on disproportionality in developing its report and recommendations to the legislature required under section one of this act."

Representatives Wineberry and Ebersole spoke in favor of adoption of the amendment, and it was adopted.

Mr. Wineberry moved adoption of the following amendment by Representatives Wineberry, Ebersole, Padden, Leonard and McLean to the title:

On page 1, line 1, after "creating" strike "a", after "section" insert "s"

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

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

Representatives Appelwick, Padden, Ebersole and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1901, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Phillips - 01.

Engrossed Substitute House Bill No. 1901, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1569, by Representatives Braddock, Prentice, Franklin, Locke, Morris, Sprenkle, Anderson, Nelson, Jacobsen, Belcher, Rasmussen, Wineberry, Brekke, Cole, Peery, R. Fisher, Spanel, Cantwell, Valle, Riley, Phillips and Paris

Providing for community-based long-term care and support services for functionally disabled persons.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Health Care as amended by Committee on Revenue. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Braddock, Substitute House Bill No. 1569 was substituted for House Bill No. 1569, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1569 was read the second time.

Mr. Wang moved adoption of the committee amendment by Committee on Revenue.

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

On page 21, line 21, after "of this section." insert "If the individual's remuneration is subject to contribution under more than one subsection of this section, the total remuneration subject to contribution shall not exceed fifty-three thousand four hundred dollars annually, as provided in subsection (5) of this section."

On page 21, line 22, after "(5)(a)" strike "No" and insert "The amount of wages subject to insurance contributions under subsection (2)(a) of this section shall be fifty-three thousand four hundred dollars annually, except that no"

Representatives R. Johnson and Wang spoke in favor of adoption of the amendments to the committee amendment, and Mr. Holland spoke against them.

POINT OF INQUIRY

Mr. Wynne asked Mr. R. Johnson to yield to a question, and Mr. R. Johnson would not yield.

Mr. Wynne spoke against the amendments to the committee amendment.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be adoption of the amendments on page 21 by Representative R. Johnson to the committee amendment to Substitute House Bill No. 1569.

A division was called. The Speaker (Mr. O'Brien presiding) called upon the House to divide. The result of the division was: Yeas - 50, Nays - 46. The amendments were adopted.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove, R. Johnson and Braddock to the committee amendment:

On page 21, line 23 of the amendment, strike "one thousand five hundred" and insert "two thousand"

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

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

On page 31 of the amendment by the Committee on Revenue, after "affected" on line 11, insert "except that if section 22 of this act is declared unconstitutional this act is null and void."

Representatives Tate, Padden and D. Sommers spoke in favor of adoption of the amendment to the committee amendment, and Representatives Braddock and Dorn spoke against it.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 31, line 11, by Representative Tate to the committee amendment to Substitute House Bill No. 1569, and the amendment to the committee amendment was not adopted by the following vote: Yeas - 42, Nays - 55, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Chandler, Edmondson, Ferguson, Fisher, G., Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Johnson R., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 42.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Peery, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 55.

Excused: Representative Phillips - 01.

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

On page 31 of the amendment, line 12, after "DATE." strike all material through "(2)" on line 17; and

On page 32 of the amendment, after line 17 insert:

"NEW SECTION. Sec. 37. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws to facilitate the operation thereof."

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

The Speaker assumed the Chair.

Representatives Paris and Tate spoke in favor of adoption of the amendments to the committee amendment, and Representatives Inslee and Day spoke against them.

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

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 31 and 32 by Representative Wynne to the committee amendment to Substitute House Bill No. 1569, and the amendments were not adopted by the following vote: Yeas - 42, Nays - 51, Absent - 4, Excused - 1.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Prince, Roland, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 42.

Voting nay: Representatives Anderson, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Meyers, R., Myers, H., Nelson, Ogden, Peery, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 51.

Absent: Representatives Appelwick, Ludwig, Morris, O'Brien - 04.

Excused: Representative Phillips - 01.

Mr. Moyer moved adoption of the following amendment by Representatives Moyer and Paris to the committee amendment:

On page 1 of the amendment by the Committee on Revenue strike all material after line 6 and insert:

NEW SECTION. Sec. 1. PURPOSE AND INTENT. It is the purpose and intent of the legislature, through this chapter, to organize the foundation for providing community-based long-term care and support services through an integrated, comprehensive system that promotes human dignity and recognizes the individuality of all functionally disabled persons. The legislative goal is to ultimately make this system available, accessible, and responsive to all citizens based upon an assessment of their functional disabilities. The legislature recognizes that families, volunteers, and community organizations are absolutely essential for delivery of effective and efficient community-based long-term care and support services and it is a purpose of this chapter to support and strengthen that private and public service infrastructure. It is further a goal of this legislature to ultimately provide secured benefit assurance in perpetuity without requiring family or program beneficiary impoverishment for service eligibility.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrative entity" means an agency of state, regional, or local government or a private nonprofit organization that has entered into an agreement with the board to administer any part of the program.

(2) "Board" means the community-based long-term care secured benefit program board.

(3) "Committee" means the community-based long-term care secured benefit program policy advisory committee established pursuant to this act.

(4) "Community-based long-term care and support services" means services and support provided to program beneficiaries in accordance with this act.

(5) "Federal poverty level" means the annual poverty guidelines determined annually by the United States department of health and human services, or its successor agency.

(6) "Functionally disabled person" means a person who, because of a recognized chronic physical or mental condition or disease: (a) Needs care, support, supervision, or monitoring to perform activities of daily living or instrumental activities of daily living;

or (b) needs support to ameliorate or compensate for the effect of the chronic physical mental condition or disease.

(7) "Habilitation service" means services to assist persons in acquiring and maintaining life skills and to raise, maintain, or support their levels of physical, mental, social, and vocational functioning. "Habilitation services" shall not include major rehabilitative services to assist persons in regaining previously existing bodily functions and life skills.

(8) "Program" means the community-based long-term care secured benefit program established by this chapter.

(9) "Program beneficiary" means a person who has been determined to be functionally disabled and eligible to receive services through the program.

PART I

ADMINISTRATION OF THE COMMUNITY-BASED LONG-TERM CARE SECURED BENEFIT PROGRAM

NEW SECTION. Sec. 3. INTENT REGARDING PROGRAM ADMINISTRATION. It is the intent of the legislature that administration of the program includes active participation by program beneficiaries, their families, and communities in public discussions, service planning, decision making, and service delivery. An independent board, representing payors and functionally disabled persons, shall administer this chapter within statutory guidelines established by the legislature. Administrative entities shall encourage creativity, innovation, and community involvement in the development and implementation of services. Information systems shall be developed to assess program outcomes and to assure state-wide adherence to baseline levels of service availability and quality. A simplified, independent inspection, monitoring and correction function shall be established within the system.

NEW SECTION. Sec. 4. ESTABLISHMENT AND POWERS OF BOARD. (1) The community-based long-term care secured benefit program board is hereby established. The board shall be composed of five members appointed by the governor. At least one member of the board shall represent functionally disabled persons. The chairperson of the board shall be chosen by the vote of a majority of the members of the board.

(2) The governor shall appoint the initial members of the board to staggered terms not to exceed eight years, with three members of the board serving at least four years. Members appointed thereafter shall serve four-year terms, and may serve for up to two terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. Meetings of the board shall be at the call of the chairperson.

(3) The board shall have the following powers and duties:

(a) To plan, design, and administer two pilot programs, no more than one of which may be located west of the Cascade divide, to test regionally operated systems of community-based long-term care and support services that provides a coordinated system of care and support for functionally disabled persons through regional administrative entities, using family, volunteer, and community resources to the greatest extent possible, in which functionally disabled persons and resources are directed toward the least restrictive and least costly service appropriate for each such person;

(b) To manage the monies appropriated by this act for the purpose of supporting the two pilot programs;

(c) To administer program benefits, and to determine the scope of community-based long-term care and support services covered by the program in accordance with this act;

(i) In determining the scope of services, the board shall maintain the financial integrity of this act;

(ii) The board shall define the scope of transportation services that can be funded by the program in accordance with this act. In defining the scope of transportation services, the board shall consider the appropriate role of paratransit systems;

(d) To develop uniform functional disability assessments that accurately measure the abilities and disabilities of functionally disabled persons of all ages, and determine the entity or entities responsible for conducting such assessments;

(e) To develop performance standards, to the extent not specifically established by this chapter, based upon the recommendations of the long-term care commission and its technical advisory committees, with input from functionally disabled persons, their families, long-term care service providers, and administrators. Performance standards shall emphasize outcomes, rather than the manner in which services are administered. Performance standards shall, to the greatest extent practicable, promote leveraging of family and community resources available to each program beneficiary and shall include consideration of the extent to which each program beneficiary's plan of care builds on the support available to that individual from their family and the community;

(f) To administer and adjust the sliding fee scale as necessary, in accordance with this act;

(g) To engage in quality assurance activities in accordance with this act;

(h) To develop payment and cost control mechanisms for community-based long-term care and support services;

(i) To design and administer a long-term care information system in accordance with this act;

(j) To develop mechanisms to assure that the program is coordinated with the acute health care services system and the vocational rehabilitation services system;

(k) To coordinate with other relevant entities to plan for development of an appropriately trained long-term care work force;

(l) To contract with and monitor administrative model projects in accordance with this act;

(m) To delegate its authority, when deemed appropriate by the board, to other public or private entities; and

(n) To adopt rules pursuant to chapter 34.05 RCW necessary to carry out the responsibilities established in this chapter.

(4) The board shall employ staff as necessary to fulfill its responsibilities and duties. The program director and up to five other employees are exempt from state civil service law, chapter 41.06 RCW. Remaining staff are subject to the state civil service law, chapter 41.06 RCW. In addition, the board may contract with third parties for services necessary to carry out its responsibilities and duties to the extent not prohibited by RCW 41.06.380.

NEW SECTION. Sec. 5. ESTABLISHMENT OF POLICY ADVISORY COMMITTEE. (1) The community-based long-term care secured benefit program policy advisory committee is hereby established. The committee shall be composed of thirteen members appointed by the board. Committee membership shall be geographically balanced, ethnically and culturally diverse, and representative of persons with differing types of functional disabilities. At least half of the members shall be functionally disabled persons or their advocates, who shall not be paid long-term care services providers.

(2) The committee shall:

(a) Advise the board regarding planning and administration of the program; and

(b) Review and comment upon state policies, programs, and actions that affect program beneficiaries, with the intent of assuring maximum coordination with long-term care and support services, and maximum responsiveness to the needs of program beneficiaries.

(3) The committee shall meet at least quarterly. Committee members shall be reimbursed for travel expenses pursuant to RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 6. QUALITY ASSURANCE. (1) The board is responsible for quality assurance activities relating to licensing, monitoring, and enforcement of performance standards applicable to administrative entities. The department of health shall be responsible for licensing and monitoring community-based long-term care and support service providers. In its quality assurance activities, the board shall emphasize review of service outcomes, rather than the manner in which services are administered.

(2) Quality assurance activities shall include but not be limited to:

(a) Establishment of licensure and certification requirements for and monitoring of administrative entities. The department of health shall administer existing licensing and monitoring programs for community-based long-term care and support service providers, and their employees. The board may request that licensing standards be developed by the legislature or the department of health for community-based long-term care and support services that are not regulated under existing statutes or rules.

(b) Monitoring and investigation of performance by administrative entities and community-based long-term care and support service providers, and their employees, including the establishment of mechanisms to receive and respond to reports of abuse, neglect, malpractice, misfeasance, and contractual violations by such entities and providers;

(c) Imposition of sanctions against administrative entities for abuse, neglect, malpractice, misfeasance, and contractual violations, which shall include withholding or requiring the withholding of payment, terminating or requiring the termination of contracts, injunctive remedies, civil penalties, receivership, and referral for prosecution; and

(d) Retrospective monitoring of data gathered through the information system established by this act.

(3) The board shall provide for an independent office of the inspector general to assist in carrying out the quality assurance powers and duties established in this section, which office shall report directly to the board and which shall annually report to the legislature on the quality of community-based long-term care and support services provided to functionally disabled persons.

(4) By petition to the board, a program beneficiary may initiate, or intervene in, any proceeding in which the board is taking an enforcement action against an administrative entity or community-based long-term care provider serving the program beneficiary.

(5) Contracts with administrative entities shall specify the quality assurance activities that will be undertaken by the administrative entity. Such activities shall include monitoring of contracts between administrative entities and community-based long-term care and support services providers, establishment of program beneficiary complaint resolution mechanisms, and other activities deemed appropriate by the board.

PART II

COMMUNITY-BASED LONG-TERM CARE SERVICES

NEW SECTION. Sec. 7. INTENT REGARDING SERVICES. It is the intent of this act relating to community-based long-term care and support services that such services be defined as noninstitutional services that are primarily habilitative which would allow program beneficiaries to live and otherwise function in their community as independently as practicable. Although these services do not include nursing homes, state institutions, or health care facilities, it is necessary that these functions be coordinated with the community-based long-term care system. Technical, demographic, and cultural changes make it impossible to prescribe a complete list of services or define by program the array of services that could meet the intent and purposes of this chapter. It is the intent of this section to include those services commonly considered "community-based," and to allow flexibility in defining new or additional services that will contribute to the

purpose and intent of this chapter. It is recognized that uniform systems of assessment and case management are essential for monitoring equity and quality in service delivery, measuring outcomes, and assuring the most effective use of public and private expenditures. It is recognized that availability of services does not guarantee their use, and that aggressive targeting and outreach, and culturally and linguistically accessible and appropriate services, are necessary to assure that services are available to the most disadvantaged in our communities.

NEW SECTION. Sec. 8. COMMUNITY-BASED LONG-TERM CARE AND SUPPORT SERVICES. (1) The services available to program beneficiaries shall include, at a minimum, those services included in subsection (2) of this section and provided in accordance with subsection (3) of this section. Community-based long-term care and support services may be provided in a nonresidential setting, a program beneficiary's home, or other residential settings not specifically excluded pursuant to subsection (4) of this section.

(2) Community-based long-term care and support services shall include at least the following services:

(a) Public education;

(b) Telephone information and assistance, including screening and possible referral for case management assessment;

(c) Gatekeeper, or other outreach component;

(d) Case management, which shall include:

(i) A multidimensional assessment of the functionally disabled person's health and long-term care needs. No cost-sharing shall be imposed for this modality;

(ii) Development of a comprehensive care plan negotiated by the program beneficiary and his or her case manager, which meets minimum standards established by the board to prevent overly subjective determinations of service needs, and which is subject to an appeal mechanism that provides an opportunity for informal review prior to a fair hearing;

(iii) Initiation, coordination, and monitoring of all long-term care services needed by a program beneficiary, including those services not funded by the program;

(iv) Involvement of each program beneficiary's family and other support systems; and

(v) Reassessment and service termination;

(e) Personal and household assistance services to assist individuals with activities of daily living and instrumental activities of daily living;

(f) Respite care and family support services necessary to maintain the program beneficiary in his or her family home;

(g) Nursing services;

(h) Day care and day health care for functionally disabled persons;

(i) Mental health day treatment and other mental health counseling;

(j) Habilitation services; and

(k) Transportation services, to the extent that the administrative entity can demonstrate positive planning by the community through the use of a local option tax or other method to provide paratransit or specialized transportation services to program beneficiaries.

(3) Each functionally disabled person's participation in a functional assessment performed by an entity designated by the board pursuant to this act shall be a precondition to receipt of all long-term care services, including those long-term care services not provided through the program.

(4) Services performed by the following institutions shall not be funded by this act, except as provided in subsection (5) of this section:

(a) Nursing homes licensed pursuant to chapter 18.51 RCW;

(b) State institutions for developmentally disabled persons, defined as residential habilitation centers in chapter 71A.20 RCW; and

(c) State institutions for mentally ill persons, including but not limited to Eastern State Hospital and Western State Hospital.

(5) The board may establish criteria for funding community-based long-term care and support services provided in a nursing home or other health care facility, to the extent that use of such settings is cost-effective and offers appropriate high quality services to program beneficiaries.

(6) In determining whether services not explicitly included pursuant to subsection (2) of this section or excluded pursuant to subsection (4) of this section can be offered through the program, the board shall consider the following criteria:

(a) Protection of the financial integrity of this act;

(b) The extent to which the service is consistent with the intent and purposes of this chapter;

(c) The extent to which the service supports individual dignity and independence;

(d) The needs of individual local communities;

(e) The effectiveness and efficiency of the service; and

(f) The extent of local community and volunteer participation in providing the service.

NEW SECTION. Sec. 9. PROGRAM BENEFICIARY COST-SHARING. (1) The board shall establish a sliding fee scale to determine a program beneficiary's contribution to the cost of community-based long-term care and support services provided to him or her through the program. The sliding fee scale shall be designed to generate a minimum of twenty percent of operating costs of the new system. Sliding fee and other program beneficiary cost sharing payments shall not be imposed prior to state-wide implementation of the program unless a program beneficiary resides within a county served by a regional administrative model project and cost sharing payments for community-based long-term care and support services that program beneficiary is receiving are not prohibited by federal law.

(2) The sliding fee scale shall:

(a) Base the level of a program beneficiary's contribution on that individual's gross household income, giving appropriate consideration to family size. In determining gross household income, the income of an applicant's spouse shall be considered available to the applicant, and the income of a minor applicant's parents shall be considered available to that minor. The board shall define "income" and other relevant criteria by rule;

(b) Provide that for program beneficiaries with gross household income below one hundred fifty percent of the federal poverty level, cost-sharing shall not have the effect of discouraging appropriate use of necessary community-based long-term care and support services;

(c) Provide for limits on annual cost-sharing obligation for each program beneficiary's household.

(3) To affect community-based long-term care and support service utilization, the board may establish copayments or deductibles which:

(a) May be imposed in lieu of the sliding fee scale for program beneficiaries requiring small amounts of community-based long-term care and support services; and

(b) Shall not have the effect of discouraging appropriate use of necessary community-based long-term care and support services for program beneficiaries with gross household incomes below one hundred fifty percent of the federal poverty level.

NEW SECTION. Sec. 10. RIGHT TO REFUSE SERVICES. Nothing contained in this chapter shall be construed to require a program beneficiary to accept services, except to the extent provided otherwise by chapters 71.05, 11.88, and 11.92 RCW.

PART III

IMPLEMENTING THE NEW COMMUNITY-BASED

LONG-TERM CARE SYSTEM

NEW SECTION. Sec. 11. INTENT RELATING TO IMPLEMENTATION. It is the intent of the legislature that state-wide community-based long-term care and support services be modeled through two regional pilot projects that will test various administrative structures. Lessons learned through the pilot projects will be applied to development of the state-wide community-based system. During the initial phase, additional community-based long-term care and support services will be provided through medicaid and other expansions using revenue from the appropriation supporting this act.

NEW SECTION. Sec. 12. IMPLEMENTATION. (1) The board shall adopt a schedule for the orderly development of the delivery of services and availability of the program to functionally disabled residents living in the area of the regional administrative model projects conducted in accordance with this act.

(2) Current categorical long-term care systems shall merge into the program on a fixed future date, to be determined by the board after authorization by the legislature. Upon merger of these categorical systems, the needs of all disability groups shall be equitably addressed through the program, regardless of the administrative model adopted by the board.

NEW SECTION. Sec. 13. REGIONAL ADMINISTRATIVE MODEL PROJECTS. (1) Regional administrative model projects shall plan, coordinate, and administer community-based long-term care and support services for a designated region composed of one or more counties with a total population of at least forty thousand.

(2) Regional administrative model projects shall satisfy the following criteria:

(a) Have the support of the county authority for the county or counties included in the project site;

(b) Build upon support available to each program beneficiary from the individual's family, community, and local business;

(c) Existing regional and local advisory councils, such as councils on aging, developmental disabilities, and mental health established under state or federal law, and multicultural and multi-ethnic groups will be involved in the proposed long-term care delivery system;

(d) Services to minimize the effects of degenerative and debilitating conditions that result in a loss of independence will be offered. Such a plan might include a mechanism to support people who are at risk of rapid deterioration without support;

(e) Identify mechanisms that will be used to coordinate services with the acute health care and vocational rehabilitation systems;

(f) Identify mechanisms to coordinate services with regional support networks established pursuant to chapter 71.24 RCW, including, but not limited to, formal interagency agreements detailing the roles and responsibilities of the regional support network and the regional administrative model project in meeting the needs of persons whose functional disability is related in whole or in part to mental illness;

(g) Transportation needs will be assessed and addressed;

(h) Identify mechanisms that will be used to control nursing costs;

(i) Provide directly or by contract case management services that include:

(i) A multidimensional assessment of the functionally disabled person's health and long-term care needs. No cost-sharing shall be imposed for this modality;

(ii) Development of a comprehensive care plan negotiated by the program beneficiary and his or her case manager, which meets minimum standards established by the board to prevent overly subjective determinations of service needs, and which is subject to an appeal mechanism that provides an opportunity for informal review prior to a fair hearing;

(iii) Initiation, coordination, and monitoring of all long-term care services needed by a program beneficiary, including those services not funded by the program;

(iv) Involvement of each program beneficiary's family and other support systems; and

(v) Reassessment and service termination;

(j) Include mechanisms to ensure access to culturally and linguistically appropriate services by minority and limited English speaking populations.

(3) In contracting for regional administrative model project sites, the board shall:

(i) Utilize competitive bidding procedures;

(ii) Issue planning grants and contracts to operate regional administrative model projects in no more than two sites. No more than one site may be comprised west of the Cascade mountains. To the greatest extent possible, giving consideration to applications received and an applicant's ability to comply with relevant performance standards:

Planning grants shall have a duration of July 1, 1992, through June 30, 1993.

Contracts to operate regional administrative model projects shall have a duration of two years, beginning on or after July 1, 1993 if funds are appropriated by the 53rd legislature for that purpose and shall;

(iii) To the greatest extent possible, contract for a diversity of case management models. At least one of the models shall utilize a case management model in which the case manager authorizes and manages services within budgeted funds.

(iv) Include remedies in the contracts for failure to comply with the terms of the contract, including intermediate remedies in addition to termination of a contract.

NEW SECTION. Sec. 14. EVALUATION OF REGIONAL ADMINISTRATIVE MODEL PROJECTS. The board shall develop criteria to evaluate the success and failure of the regional administrative model projects established pursuant to this act in meeting the intent and purposes of this chapter. The board shall contract with an independent entity to evaluate:

(1) The regional administrative model projects using the criteria developed pursuant to this section; and

(2) The actions taken by the board to implement this chapter giving consideration to this chapter's intent and purposes.

A report detailing the results of the evaluation shall be submitted to the governor and appropriate committees of the legislature no later than three years following initiation of the regional administrative model projects.

NEW SECTION. Sec. 15. INFORMATION SYSTEM. The board shall design and administer a long-term care information system. In designing the information system, the board shall pursue the following objectives:

(1) Use of a single common identifier for each functionally disabled person using long-term care services;

(2) Ability to track each functionally disabled person's use of long-term care services;

(3) Protection of confidentiality for functionally disabled persons using long-term care services; and

(4) Access to nonconfidential information relating to available long-term care services, training information for caregivers, and service utilization and cost data for planners and policymakers.

NEW SECTION. Sec. 16. ADMINISTRATION OF LONG-TERM CARE SERVICES PENDING STATE-WIDE IMPLEMENTATION OF PROGRAM. Pending merger of current categorical long-term care systems into the program as provided in this act, other than in the regional administrative model project sites, current long-term care services administration shall continue. During this period, subject to board approval, agencies administering community-based long-term care and support services may make administrative changes consistent with the intent and purposes of this chapter and as otherwise authorized by law.

FINANCING COMMUNITY-BASED
LONG-TERM CARE SERVICES

NEW SECTION. Sec. 17. INTENT RELATING TO FINANCING. Recognizing that financial stability is essential to success of a comprehensive long-term care system and that current and future demands are exceeding available financial resources, an appropriation of state general funds, matching federal funds, public insurance funds, and sliding fee contributions by program beneficiaries shall be established. The legislature recognizes that development and implementation of the program will involve significant cooperation and partnership between Washington state and the federal government.

NEW SECTION. Sec. 18. FEDERAL/STATE RELATIONSHIP. The board shall identify and request federal statutory waivers necessary to allow federal funds currently used for community-based long-term care and support services to be expended as provided in this chapter.

NEW SECTION. Sec. 19. FINANCING. (1) The secured benefit fund is created in the state treasury. All receipts from sources specified in this section shall be deposited in the fund. Moneys in the fund may be spent only after appropriation and may be used only for carrying out the purposes of this chapter.

(2) The secured benefit fund shall consist of:

(a) Legislative appropriations for general fund-state spending for community-based long-term care and support services;

(b) Federal funds received by the state as payment for community-based long-term care and support services, including but not limited to the medicare program, Title XVIII of the federal social security act, and the medicaid program, Title XIX of the federal social security act; and

(c) Program beneficiary cost-sharing as provided in this act.

NEW SECTION. Sec. 20. PRIVATE LONG-TERM CARE INSURANCE. The private long-term care insurance commission is hereby established. The commission shall be composed of seven members who shall be appointed by the insurance commissioner. Commission members shall be reimbursed for travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(2) The commission shall review and make recommendations regarding the role of long-term care insurance in the new system. The commission shall report its recommendations to the board, the insurance commissioner, and appropriate committees of the legislature on or before December 1, 1992.

NEW SECTION. Sec. 21. IN-MIGRATION. (1) The legislature intends that the program be available to established residents of Washington state.

(2) To discourage relocation of functionally disabled persons from other states into Washington to obtain program benefits, the board shall require, as condition of receipt of program benefits by functionally disabled persons who have not resided in Washington state for a continuous period of twelve months prior to their application for program benefits, that these individuals pay a monthly premium for program benefits actuarially determined based upon the level and type of benefits available through the program.

PART V

TRANSITION PERIOD PENDING FULL IMPLEMENTATION OF THE PROGRAM

NEW SECTION. Sec. 22. The legislature recognizes that state-wide implementation of the community-based long-term care secured benefit program will require four to five years, to allow completion of necessary coordination with the federal government and sufficient testing of regional administrative models. The legislature intends that expenses for regional model administrative projects, including administration, monitoring, data collection, and evaluation be derived from the funds provided by this act. The service expansions authorized by this act shall be temporary measures pending state-wide implementation of the community-based long-term care secured benefit program.

NEW SECTION. Sec. 23. (1) During the transitional period from the effective date of this section until state-wide implementation of the program, the legislature shall appropriate, and the executive shall administer, all community-based long-term care funds except those necessary to administer and provide services through regional administrative model projects, and matching funds and program beneficiary cost sharing collected through such projects.

(2) Regional model administrative project funds shall be administered by the board. Regional model administrative projects shall receive funding for the number of functionally disabled persons in the county or counties served by the project in an amount equal to the per capita community-based long-term care expenditures for functionally disabled persons currently receiving state and federally funded services, and such additional funds determined by the board to be necessary for administration of the projects, including monitoring, data collection, and evaluation.

(3) Upon completion and evaluation of the regional administrative model projects and enactment of legislation establishing the state-wide administrative structure of the program, all community-based long-term care funds shall be deposited into the secured benefit fund pursuant to this act and administered by the board.

Sec. 24. RCW 74.09.510 and 1989 1st ex.s. c 10 s 8 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services, as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) an intermediate care facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) individuals who would be eligible for but choose not to receive cash assistance; (5) individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act; (6) children and pregnant women allowed by federal statute for whom funding is appropriated; (7) disabled children eighteen years of age or younger who require a level of care provided in a hospital, nursing home, or intermediate care facility for the mentally retarded and can be cared for in the community for less than the cost of such institutional care, if such a child would be eligible for medical assistance if he or she were in a medical institution; and ~~((7))~~ (8) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act.

Sec. 25. RCW 74.09.520 and 1990 c 33 s 594 and 1990 c 25 s 1 are each reenacted and amended to read as follows:

(1) The term "medical assistance" may include the following care and services: (a) Inpatient hospital services; (b) outpatient hospital services; (c) other laboratory and x-ray services; (d) skilled nursing home services; (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; (f) medical care, or any other type of remedial care as may be established by the secretary; (g) home health care services; (h) private duty nursing services; (i) dental services; (j) physical therapy and related services; (k) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (l) personal care services, as provided in this section; (m) hospice services; (n) community-supported living arrangements for developmentally

disabled persons; (o) other diagnostic, screening, preventive, and rehabilitative services; and ((e)) (p) like services when furnished to a handicapped child by a school district as part of an individualized education program established pursuant to RCW 28A.155.010 through 28A.155.100. For the purposes of this section, the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services. Services included in an individualized education program for a handicapped child under RCW 28A.155.010 through 28A.155.100 shall not qualify as medical assistance prior to the implementation of the funding process developed under RCW 74.09.524.

(2) The department shall amend the state plan for medical assistance under Title XIX of the federal social security act to include personal care services, as defined in 42 C.F.R. 440.170(f), in the categorically needy program.

(3) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medicaid eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care must be approved by a physician and reviewed by a nurse every ninety days.

(4) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(5) The department shall report to the appropriate fiscal committees of the legislature on the utilization and associated costs of the personal care option under Title XIX of the federal social security act, as defined in 42 C.F.R. 440.170(f), in the categorically needy program. This report shall be submitted by January 1, 1990, and submitted on a yearly basis thereafter.

(6) Effective July 1, 1989, the department shall offer hospice services in accordance with available funds. The department shall provide a complete accounting of the costs of providing hospice services under this section by December 20, 1990. The report shall include an assessment of cost savings which may result by providing hospice to persons who otherwise would use hospitals, nursing homes, or more expensive care. The hospice benefit under this section shall terminate on June 30, 1991, unless extended by the legislature.

Sec. 26. RCW 74.09.700 and 1989 c 87 s 3 are each amended to read as follows:

(1) To the extent of available funds, medical care may be provided under the limited casualty program to persons not otherwise eligible for medical assistance or medical care services who are medically needy as defined in the social security Title XIX state plan and medical indigents in accordance with medical eligibility requirements established by the department. This includes residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are aged, blind, or disabled as defined in Title XVI of the federal social security act and whose income exceeds three hundred percent of the federal supplement security income benefit level.

(2) Determination of the amount, scope, and duration of medical coverage under the limited casualty program shall be the responsibility of the department, subject to the following:

(a) Only inpatient hospital services; outpatient hospital and rural health clinic services; physicians' and clinic services; prescribed drugs, dentures, prosthetic devices, and eyeglasses; skilled nursing home services, intermediate care facility services, and intermediate care facility services for the mentally retarded; home health services; other laboratory and x-ray services; rehabilitative services; medically necessary transportation; and other services for which funds are specifically provided in the omnibus appropriations act shall be covered;

(b) Personal care and hospice services shall be covered for persons who are medically needy as defined in the social security Title XIX state plan;

(c) Persons who are medically indigent and are not eligible for a federal aid program shall satisfy a deductible of not less than one hundred dollars nor more than five hundred dollars in any twelve-month period;

~~((e))~~ (d) Medical care services provided to the medically indigent and received no more than seven days prior to the date of application shall be retroactively certified and approved for payment on behalf of a person who was otherwise eligible at the time the medical services were furnished: PROVIDED, That eligible persons who fail to apply within the seven-day time period for medical reasons or other good cause may be retroactively certified and approved for payment.

(3) The department shall establish standards of assistance and resource and income exemptions. All nonexempt income and resources of limited casualty program recipients shall be applied against the cost of their medical care services.

NEW SECTION. Sec. 27. A new section is added to chapter 74.09 RCW to read as follows:

The department shall make the following changes in the community options program entry system program waiver, to the extent such changes are permissible under section 1915(c) of the federal social security act, to increase that program's ability to meet the community-based long-term care needs of functionally disabled persons who would otherwise require nursing-home care:

(1) Cover services such as assisted living housing units, adult day care, respite care, home-delivered meals, home modifications, and electronic emergency response systems;

(2) Change the monthly service expenditure lid so that, in the aggregate, the cost of services to recipients does not exceed the cost of nursing-home care, rather than applying such test to each such individual recipient; and

(3) Provide that the personal maintenance costs that are covered with a recipient's own income are no longer counted against the monthly service expenditure lid on the cost of their care plan.

NEW SECTION. Sec. 28. A new section is added to chapter 71A.12 RCW to read as follows:

For each developmentally disabled person who is moved from a residential habilitation center into the community, a biennial amount adjusted for inflation equivalent to the amount of state funds that would have been spent to care for that individual in the residential habilitation center shall be deposited into the secured benefit fund established pursuant to this act, to finance long-term care services in the community where the individual resides.

NEW SECTION. Sec. 29. A new section is added to chapter 74.09 RCW to read as follows:

The department shall make every practicable effort to develop, in cooperation with one or more health maintenance organizations registered pursuant to chapter 48.46 RCW, a request for a demonstration waiver under the federal social security act to establish a social health maintenance organization.

NEW SECTION. Sec. 30. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 31. EFFECTIVE DATE. (1) Sections 1 through 21, 23, and 30 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

(2) Sections 22, 24 through 29, and 35 of this act shall take effect July 1, 1992.

NEW SECTION. Sec. 32. Part and section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 33. Sections 1 through 21, 23, and 30 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 34. The sum of sixteen million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the community-based long-term care secured benefit program board for the purposes of this act.

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

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

ROLL CALL

The Clerk called the roll on adoption of the striking amendment by Representatives Moyer and Paris to the committee amendment to Substitute House Bill No. 1569, and the amendment to the committee amendment was not adopted by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Beck, Betzoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Fisher, G., Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Prince, Roland, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 44.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Peery, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 53.

Excused: Representative Phillips - 01.

Representative Phillips appeared at the bar of the House.

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

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

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

Representatives D. Sommers, Wynne, Moyer and Ballard spoke against passage of the bill, and Representatives Wang, Jones, Hargrove, Locke, Braddock, Day and Ebersole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1569, and the bill passed the House by the following vote: Yeas - 55, Nays - 43, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Cantwell, Casada, Cole, Day, Dellwo, Dorn, Ebersole, Fisher, R., Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Meyers, R., Mitchell, Morris, Myers, H., Nelson, O'Brien, Ogden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Van Luven, Wang, Wineberry, Winsley, and Mr. Speaker - 55.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Chandler, Cooper, Edmondson, Ferguson, Fisher, G., Forner, Fuhrman, Grant, Hochstatter, Holland, Horn, Johnson P., Lisk, Ludwig, May, McLean, Mielke, Miller, Morton, Moyer, Nealey, Neher, Orr, Padden, Prince, Roland, Schmidt, Silver, Sommers, D., Tate, Vance, Wilson, Wood, Wynne, Zellinsky - 43.

Engrossed Substitute House Bill No. 1569, having received the constitutional majority, was declared passed.

The Speaker called on Representative Anderson to preside.

SPEAKER'S PRIVILEGE

The Speaker (Mr. Anderson presiding): Earlier this week we passed a resolution honoring our National Guard and, as Chair of the Committee on State Government, I have the pleasure of working closely with the National Guard. This morning we have on the rostrum with us Major General Greg Barlow, The Adjutant General; Brigadier General Tim Lowenberg, The Adjutant General for the Air National Guard; Brigadier General Dennis Hague, who is the commanding general of the 141st Air Refueling Wing; Lieutenant Colonel Joe Jiminez, Public Information Office; and Lieutenant Colonel Kevin Ryan. We also have a number of people in the rear of the Chamber who I will introduce in just a moment.

I want to give a little bit of background first. On August 6, 1990 members of the 141st Air Refueling Wing were called to duty for the war in the Persian Gulf. The first call came to the Washington National Guard at 11:00 p.m. on August 6, 1990, and these citizens and their comrades were at the air base and ready to fly by 5:00 a.m. the next morning. Within six hours these brave and dedicated neighbors of ours--and most of these people come from in and around

the Spokane area--put their personal lives on hold and came to the aid of our country. I observe that many of us have a hard time getting to a committee meeting on time, even if it has been scheduled for a couple of weeks. These people were ready in six hours to move out. It is a pleasure for me to participate in this welcome home ceremony for them.

Now I would like to introduce our friends in the rear of the Chamber: Colonel Walter Hodgen; Lieutenant Colonel Bob Fuss; Lieutenant Colonel Michael Kvamme; Lieutenant Colonel James McDevitt, who is Squadron Commander of the 116th Air Refueling Squadron--the folks that actually have the planes; Lieutenant Colonel Larry Wilde; Major John Guilbeault; Major Gary Magonigle; Captain Suzanne Dodge; Technical Sergeant Mark Jones; Technical Sergeant Terry Stout; Retired Chief Master Sergeant Ronald Corigliano; Senior Master Sergeant John Coleman; Master Sergeant Ron Thaxton; Master Sergeant John Bartlett; Staff Sergeant Glenn Schmauder; Staff Sergeant Lahomma Cruise; Sergeant Patrick Brookhart; Sergeant Chory; Senior Airman Nensil Hursley. It is a pleasure for me to be able to welcome these people home along with those in the North Gallery, representing the support staff and the communications specialists, and a contingent of Vietnam veterans who are participating in this welcome home.

Please welcome home all of these people.

REMARKS BY BRIGADIER GENERAL DENNIS HAGUE

Brigadier General Hague: Thank you. It's with a great deal of pleasure that I come before you today to represent the armed forces. I speak not only for the members of the Air National Guard and Army National Guard, but for all the folks who went over there to fight that war. We appreciate the support that the country and you people here in the State of Washington have shown to us.

In the Senate this morning it was mentioned that there were some five hundred and thirty-two thousand people who took part in Desert Storm and Desert Shield. I think it is important that you got a chance to see some of these people personally and associate a name and a face. This is about one-third of the people of the Washington National Guard that were deployed. We still have over two hundred people over there and, as we speak, are refueling airplanes that are coming home. I can tell you that we have them in our thoughts and prayers, too--that we want them home as quickly as possible. I can imagine their emotion as they take off, go up and refuel the airplanes that are coming home, and then have to turn around and go back to the desert and start over. Hopefully, they will be with us soon.

Let me tell you some of the accomplishments of these people. I wish I had time to tell you about all of them. The people you see here and the people with whom they served in the desert, through the maintenance community and the operational community and the support and resources people, put this fine fighting package together. In the time they were there at just one of our bases, they flew almost four thousand combat sorties. We have with us pilots and air crew members who flew two combat missions back to back on the day the war started. There is a crew chief whose aircraft flew fifty-eight sorties. There are support and maintenance people who worked eighteen hours a day. As you

know, air refueling is our business. In the time they were there these folks, and those with whom they served, offloaded over sixty million gallons of fuel to the fighters they were refueling. Also, our folks in the combat support group were training in the Middle East long before Saddam Hussein became the threat that he was. So they are not strangers to that area either.

In summary, I would like to tell you that we have a saying in the Guard which is "in the Guard we are family and Americans at our best." I would like to introduce to you folks your family and your Americans at their best. Thank you very much.

MOTION

On motion of Mr. Ebersole, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. R. Meyers presiding) called the House to order at 2:30 p.m. The Clerk called the roll and all members were present except Representatives Basich, Beck, Dellwo, Locke, Miller, Nealey, O'Brien and H. Sommers. On motion of Mr. Vance, Representatives Beck, Miller and Nealey were excused.

Representatives Dellwo, Locke, Miller and Nealey appeared at the bar of the House.

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately resume consideration of Substitute House Bill No. 1913 on the regular second reading calendar. The motion was carried. (For previous action, see Journal, 59th Day, March 13, 1991, Evening Session.)

SUBSTITUTE HOUSE BILL NO. 1913, by House Committee on Human Services (originally sponsored by Representatives Hargrove, Grant and Neher)

Revising collective bargaining provisions for certain employees of the division of prisons of the department of corrections.

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

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

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

Representatives Hargrove, Neher and Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1913, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 3, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Prince - 01.

Absent: Representatives Basich, O'Brien, Sommers, H. - 03.

Excused: Representative Beck - 01.

Engrossed Substitute House Bill No. 1913, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I want to vote "No" on final passage of Engrossed Substitute House Bill No. 1913, Collective Bargaining.

DARWIN R. NEALEY, 9th District.

Representatives Basich and H. Sommers appeared at the bar of the House.

MESSAGE FROM THE GOVERNOR

March 13, 1991

To The Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 13, 1991, Governor Gardner approved the following House Bill entitled:

HOUSE BILL NO. 1818: Relating to the state convention and trade center.

Sincerely,

Thomas J. Felngale, Counsel.

HOUSE BILL NO. 1314, by Representatives Haugen, Spanel, Wilson, R. Johnson, Kremen, Braddock, H. Sommers, Morris, R. King, Sheldon, Hargrove, Belcher, Basich and Jacobsen

Creating the natural resource worker project.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Trade & Economic Development as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Cantwell, Substitute House Bill No. 1314 was substituted for House Bill No. 1314, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1314 was read the second time.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations and spoke in favor of it. The committee amendment was adopted.

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1314, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Absent: Representative O'Brien - 01.

Excused: Representative Beck - 01.

Engrossed Substitute House Bill No. 1314, having received the constitutional majority, was declared passed.

Representative O'Brien appeared at the bar of the House.

HOUSE BILL NO. 1315, by Representatives Haugen, Spanel, Wilson, R. Johnson, Kremen, Braddock, H. Sommers, Morris, R. King, Sheldon, Hargrove, Belcher, Basich, Dorn, Jacobsen and Wineberry

Creating a training program for displaced timber workers in Skagit county.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Trade & Economic Development as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Cantwell, Substitute House Bill No. 1315 was substituted for House Bill No. 1315, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1315 was read the second time.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations.

Ms. Silver moved adoption of the following amendments to the committee amendment:

On page 1 of the amendment, line 16, after "programs" strike "in Skagit County"

On page 1 of the amendment, line 17, after "objectives" strike all material through "work." on line 22

On page 2 of the amendment, line 6, after "means" strike "Skagit Valley Community College" and insert "a community college serving any of Clallam, Grays Harbor, Lewis, Skamania, Klickitat, Skagit, or Okanogan counties."

On page 2, line 8, after "association" strike "of Skagit county" and insert "or an associate development organization serving any of Clallam, Grays Harbor, Lewis, Skamania, Klickitat, Skagit, or Okanogan counties"

On page 2, beginning on line 10, after "college," strike "in Skagit county" and insert "to serve dislocated workers in any of clallam, Grays Harbor, Lewis, Skamania, Klickitat, Skagit, or Okanogan counties."

On page 2, line 21, strike "Skagit" and insert "the appropriate"

On page 2, line 22, after "management" strike "and enhancement of the Skagit river"

Ms. Silver spoke in favor of adoption of the amendments to the committee amendment, and Representatives Wilson, Haugen and Hargrove spoke against them.

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

Ms. Spanel spoke against adoption of the amendments to the committee amendment, and Ms. Forner spoke in favor of them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Silver to the committee amendment to Substitute House Bill No. 1315, and the amendments were not adopted by the following vote: Yeas - 34, Nays - 63, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Cooper, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Prince, Silver, Sommers, D., Tate, Vance, Van Luven, Wynne - 34.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wilson, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 63.

Excused: Representative Beck - 01.

Ms. Spanel spoke in favor of adoption of the committee amendment by Committee on Appropriations, and it was adopted.

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

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

Representatives Haugen and Forner spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1315, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson,

O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Beck - 01.

Engrossed Substitute House Bill No. 1315, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1341, House Bill No. 1599 and House Bill No. 1647 and that the bills hold their places on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1714, by Representatives Riley, Beck, Leonard, Winsley, Anderson, R. King, Hargrove, H. Myers, Jacobsen, Franklin, Roland, Zellinsky, Phillips, Jones, Rasmussen, Paris, Orr, Inslee, Basich, Sheldon, Morris and Wineberry

Providing support for families in timber communities.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Human Services as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Leonard, Substitute House Bill No. 1714 was substituted for House Bill No. 1714, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1714 was read the second time.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations and spoke in favor of it. The committee amendment was adopted.

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

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

Representatives Riley, Hargrove, Bowman, P. Johnson and Wineberry spoke in favor of passage of the bill, and Mr. Fuhrman spoke against it.

POINT OF INQUIRY

Mr. Locke yielded to question by Mr. Horn.

Mr. Horn: In the green books which we have in front of us today on Substitute House Bill No. 1714, it shows "Appropriation: Yes." In the green books which we had in front of us on March 13, it shows "Appropriation: Removed." Could you clarify for me whether or not appropriations are included?

Mr. Locke: Representative Horn, if you read the complete bill report for House Bill No. 1714 and look at the House Committee on Appropriations amendment which is at the bottom and far right-hand corner of page 89, the last sentence says "the appropriation is deleted."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1714, and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Fuhrman, Hochstatter, Lisk, Morton, Nealey, Padden - 06.

Excused: Representative Beck - 01.

Engrossed Substitute House Bill No. 1714, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1341 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1341, by Representatives Sheldon, Hargrove, Jones, Inslee, Riley, Rayburn, P. Johnson, Bowman, Haugen, Paris, Brumsickle, Wynne, Beck, Fuhrman, Ferguson, Basich, Morton, Padden, Roland, Heavey, H. Myers, Peery, Ebersole, May, Lisk, Zellinsky, Nealey, Edmondson, Cooper, Betzoff, Miller, Mitchell, Jacobsen, R. King, Wineberry, Franklin and R. Johnson

Promoting economic development.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Trade & Economic Development as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Cantwell, Substitute House Bill No. 1341 was substituted for House Bill No. 1341, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1341 was read the second time.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations.

Ms. Cantwell moved adoption of the following amendment by Representatives Cantwell, Hargrove, Sheldon, Forner and Silver to the committee amendment:

On page 9 of the amendment, after line 4, insert:

"NEW SECTION. Sec. 5. A new section is added to chapter 43.160 RCW to read as follows:

(1) For the 1991-93 biennium, half of all funds appropriated to the department for purposes of this chapter shall be used for section 4 of this act.

(2) This section shall expire on July 1, 1993."

Renumber remaining sections consecutively and correct internal references accordingly.

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

Ms. Cantwell moved adoption of the following amendment by Representatives Cantwell, Hargrove, Sheldon, Forner and Silver to the committee amendment:

On page 9 of the amendment, line 8, strike "to ensure that the requirements of this chapter are complied with" and insert "under section 4 of this act"

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

Ms. Cantwell moved adoption of the following amendment by Representatives Cantwell, Hargrove, Sheldon, Forner and Silver to the committee amendment:

On page 10 of the amendment, beginning on line 2, strike section 6

Renumber remaining sections consecutively and correct internal references accordingly.

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

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be adoption of the committee amendment by Committee on Appropriations as amended. Representatives Spanel and Forner spoke in favor of the amendment as amended, and it was adopted.

With consent of the House, the following amendment by Representatives Cantwell, Hargrove, Sheldon, Forner and Silver to the committee amendment to the title was adopted:

On page 17 of the amendment, line 18 of the title, strike "43.160.076,"

With consent of the House, the title amendment by Committee on Appropriations as amended was adopted.

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

Representatives Cantwell, Sheldon, Bowman, Hargrove, P. Johnson, Jones and Forner spoke in favor of passage of the bill.

Mr. Zellinsky demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1341, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Beck - 01.

Engrossed Substitute House Bill NO. 1341, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1599, by Representatives Basich, Hargrove, Jones, Sheldon, Riley, P. Johnson, Bowman, Belcher, Cole, Brumsickle, Kremen, R. Johnson, Heavey, Morris, H. Myers, Peery, Rayburn, Jacobsen, R. King, Inslee, G. Fisher, Roland, Phillips, Orr, Cooper, Rasmussen and Spanel

Providing additional unemployment insurance benefits and training for certain lumber and wood products workers.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Commerce & Labor as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Heavey, Substitute House Bill No. 1599 was substituted for House Bill No. 1599, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1599 was read the second time.

Ms. Spanel moved adoption of the committee amendments by Committee on Appropriations and spoke in favor of it. The committee amendments were adopted.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Heavey and Silver:

On page 1, beginning on line 5, strike all of section 1 and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 50.22 RCW to read as follows:

(1) An additional benefit period is established for counties identified under subsection (2) of this section beginning on the first Sunday after the effective date of this act. Benefits shall be paid as provided in section 3 of this act.

(2) For the purposes of this section:

(a) "Additional benefit period" means a period applicable to a county that:

(i) Begins with the third week after a week in which the commissioner determines that the county has:

(A) A county annual insured unemployment rate that is twenty percent or more above the state annual insured unemployment rate for the prior calendar year; and

(B) A lumber and wood products employment location quotient that is at least twice the state average during the prior twelve-month period; and

(ii) Ends no sooner than fifty-two weeks after the additional benefit period begins.

(b) "Annual insured unemployment rate" means the percentage derived by dividing the average weekly number of individuals filing claims for weeks of unemployment with respect to the most recent fifty-two consecutive week period, as determined by the commissioner on the basis of the department's reports to the United States secretary of labor, by the average monthly employment covered under this title for the first four of the most recent six completed calendar quarters ending before the end of such fifty-two week period. The division shall be carried to the fourth decimal place with any remaining fraction disregarded.

NEW SECTION. Sec. 2. A new section is added to chapter 50.22 RCW to read as follows:

An additional benefit period is established for the lumber and wood products industry beginning with the third week after the first Sunday after the effective date of this act. Benefits shall be paid as provided in section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 50.22 RCW to read as follows:

Benefits shall be paid under the additional benefit periods established under sections 1 and 2 of this act as follows:

(1) No new claims for additional benefits will be accepted for weeks beginning after July 3, 1993, but for claims established on or before July 3, 1993, weeks of unemployment occurring after July 3, 1993, shall be compensated as provided in this section. This additional benefit period shall be suspended with the start of an extended benefit period, or any totally federally funded benefit program, with eligibility criteria and benefits comparable to the program established by this section and sections 1, 2, and 4 of this act, and shall resume the first week following the end of the federal program.

(2) The weekly benefit amount shall be calculated as specified in RCW 50.22.040.

(3) The total additional benefit amount shall be the least of:

(a) One hundred percent of regular benefits payable under this title;

(b) Twenty-six times the individual's weekly benefit amount; or

(c) Fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year.

(4) Additional benefits shall not be payable for weeks more than one year beyond the end of the benefit year of the regular claim.

(5) Additional benefits shall be payable for up to five weeks following the completion of the training required by section 4 of this act.

(6) Benefits paid under this section shall be paid under the same terms and conditions as regular benefits, shall be paid subject to rules adopted by the commissioner to implement this section and section 1, 2, and 4 of this act, and shall not be charged to the experience rating account of individual employers.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Mr. Wang spoke in favor of adoption of the amendment, and it was adopted.

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

Representatives Basich, Brekke, Heavey and Wang spoke in favor of passage of the bill, and Representatives Fuhrman, Nealey and Silver spoke against it.

Mr. Zellinsky demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1599, and the bill passed the House by the following vote: Yeas - 69, Nays - 28, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Moyer, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland,

Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 69.

Voting nay: Representatives Ballard, Betrozoff, Brough, Casada, Chandler, Edmondson, Fuhrman, Grant, Hochstatter, Holland, Horn, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Nealey, Neher, Padden, Prince, Rayburn, Silver, Sommers, D., Tate, Vance, Van Luven - 28.

Excused: Representative Beck - 01.

Engrossed Substitute House Bill No. 1599, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1647, by Representatives Locke, Jones, Rasmussen, Bowman and Wynne; by request of Department of Community Development and Office of Financial Management

Authorizing public works loans to local governments in timber impact areas.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 51st Day, March 5, 1991.) Committee on Capital Facilities & Financing recommendation: Majority, do pass as amended by Committee on Trade & Economic Development and as amended by Committee on Trade & Economic Development. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

Ms. H. Sommers moved adoption of the committee amendments by Committee on Capital Facilities & Financing and spoke in favor of them. The committee amendments were adopted.

Ms. Cantwell moved adoption of the committee amendment by Committee on Trade & Economic Development and spoke in favor of it. The committee amendment was adopted.

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

Representatives Cantwell, Forner, H. Sommers and Basic spoke in favor of passage of the bill, and Representatives Schmidt and Hine spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1647, and the bill passed the House by the following vote: Yeas - 70, Nays - 27, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant,

Hargrove, Haugen, Heavey, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Leonard, Locke, Ludwig, May, Meyers, R., Morris, Morton, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 70.

Voting nay: Representatives Ballard, Brough, Casada, Chandler, Ferguson, Fisher, G., Hine, Hochstatter, Holland, Kremen, Lisk, McLean, Mielke, Miller, Mitchell, Nealey, Paris, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wood, Zellinsky - 27.

Excused: Representative Beck - 01.

Engrossed House Bill No. 1647, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1747, by Representatives Jones, Bowman, Basich, Hargrove, Sheldon, Holland, Riley, Nelson, Valle and Wineberry

Creating the homelessness prevention program.

The bill was read the second time. On motion of Ms. Spanel, Substitute House Bill No. 1747 was substituted for House Bill No. 1747, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1747 was read the second time.

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

Representatives Jones and Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1747, and the bill passed the House by the following vote: Yeas - 83, Nays - 14, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Mielke, Mitchell, Morris, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Ballard, Betrozoff, Chandler, Fuhrman, Hochstatter, Horn, Lisk, May, McLean, Miller, Morton, Moyer, Padden, Prince - 14.

Excused: Representative Beck - 01.

Substitute House Bill No. 1747, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1870, by Representatives Jones, Basich, Hargrove, Jacobsen, Riley, Fuhrman, R. Johnson, Wilson, Wineberry, Morris, Miller, Wynne, Wood, D. Sommers, Roland, Brumsickle, Rasmussen, Sprengle and Orr

Providing higher education opportunities for people in economically depressed timber regions.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Higher Education as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Jacobsen, Substitute House Bill No. 1870 was substituted for House Bill No. 1870, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1870 was read the second time.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations and spoke in favor of it. The committee amendment was adopted.

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

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

Representatives Jones, Ebersole and Zellinsky spoke in favor of passage of the bill, and Mr. May spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1870, and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, McLean, Meyers, R., Mielke, Miller, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn,

Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Betrozoff, Brough, Casada, Ferguson, Forner, Hochstatter, Horn, May, Mitchell - 09.

Excused: Representative Beck - 01.

Engrossed Substitute House Bill No. 1870, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1877, by Representatives Hargrove, Belcher, Jones, Phillips, Jacobsen, Sheldon, Basich and Rasmussen

Creating the Olympic natural resources center.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass substitute. Committee on Capital Facilities & Financing recommendation: Majority, do pass substitute by Committee on Natural Resources & Parks as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Belcher, Substitute House Bill No. 1877 was substituted for House Bill No. 1877, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1877 was read the second time.

Ms. H. Sommers moved adoption of the committee amendment by Committee on Capital Facilities & Financing and spoke in favor of it. The committee amendment was adopted.

Mr. Hargrove moved adoption of the following amendment:

On page 3, line 19 after "boundaries;" insert:

"(4) Research and education on natural resources and their social and economic implications, and on alternative economic and social bases for sustainable, healthy, resource-based communities;"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Mr. Hargrove spoke in favor of adoption of the amendment, and it was adopted.

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

Representatives Belcher and Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1877, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Beck - 01.

Engrossed Substitute House Bill No. 1877, having received the constitutional majority, was declared passed.

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

RESOLUTION

HOUSE RESOLUTION NO. 91-4641, by Representatives Belcher, Ogden, Forner, Wood, Phillips, Ballard, Miller, Locke, Prentice, Roland, Riley, Grant, Franklin, Brekke, Winsley, Tate, Morris, Hine, Cantwell, R. Fisher, Haugen, Wineberry, Jacobsen, Fraser, Brough, D. Sommers, Chandler, Leonard, Moyer, Holland, Cole, Dorn, Basich, Silver, Vance, Prince, Mitchell, Schmidt, Paris, Rasmussen, Appelwick, Braddock, H. Sommers, Inslee, Rust, Lisk, Edmondson, Fuhrman, Casada, Wynne, Ludwig, Spanel, Bray and Bowman

WHEREAS, The month of March has been declared National Women's Month by the Congress of the United States, and Women's History Month in the state of Washington by Governor Gardner; and

WHEREAS, Since 1908, March 8th has been observed as International Women's Day by people around the world; and

WHEREAS, Women of every race, class, and ethnic background have made historic contributions to the growth and strength of Washington state in countless recorded and unrecorded ways; and

WHEREAS, Women of color -- African-American, Hispanic, Native American, Asian, Pacific Islanders, and others, have defied discrimination based not only on their sex, but on their races or ethnicity, to make major contributions to the culture and history of this state; and

WHEREAS, Women have played and continue to play a critical role in economic, cultural, political, family and social issues in Washington state; and

WHEREAS, Women have played a unique role throughout the history of this state by providing the majority of the volunteer labor force; and

WHEREAS, Women have been particularly important in the establishment of early charitable, philanthropic, and cultural institutions in Washington state; and

WHEREAS, Women have served as leaders in causes to create a more equitable and just society for all; and

WHEREAS, Despite these contributions, the role of women in history has been consistently overlooked and undervalued in the body of American history;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognizes and commends the many contributions that women have made to our country, our state, and communities; and honors the invaluable contributions of women to the culture and history of the state of Washington.

Ms. Ogden moved adoption of the resolution. Representatives Ogden, Hochstatter, Basich, Wineberry, Ferguson, Forner, Valle and Casada spoke in favor of the resolution.

House Resolution No. 91-4641 was adopted.

MOTIONS

On motion of Mr. Ebersole, House Bill No. 1088 was referred from the suspension calendar to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 1824 was referred from the suspension calendar to Committee on Rules.

On motion of Mr. Ebersole, House Bill No. 1881 was referred from the suspension calendar to Committee on Rules.

MOTION

On motion of Mr. Ebersole, the House recessed until 6:00 p.m.

EVENING SESSION

The Speaker (Mr. R. Meyers presiding) called the House to order at 6:00 p.m. The Clerk called the roll and all members were present except Representatives Anderson, Basich, Casada, Ferguson, Nelson, H. Sommers, Sprenkle and Zellinsky. On motion of Mr. Vance, Representatives Casada and Ferguson were excused.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately begin consideration of House Bills on the suspension calendar. The motion was carried.

Representative Nelson appeared at the bar of the House.

HOUSE JOINT MEMORIAL NO. 4016, by Representatives Ludwig, May, Bray, Moyer, Rayburn, Grant, Lisk, Neher, Edmondson, Orr, Jacobsen, Nealey, Paris, Chandler, Betrozoff and Miller

Requesting that Hanford be acknowledged as a national research and development center.

The memorial was read the second time.

Mr. Ebersole moved that the committee recommendation be adopted and the memorial be advanced to third reading. The motion was carried.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Joint Memorial No. 4016.

Representatives Bray and Ludwig spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4016, and the memorial passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 5, Excused - 2.

Voting yeas: Representatives Appelwick, Ballard, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, and Mr. Speaker - 91.

Absent: Representatives Anderson, Basich, Sommers, H., Sprengle, Zellinsky - 05.

Excused: Representatives Casada, Ferguson - 02.

House Joint Memorial No. 4016, having received the constitutional majority, was declared passed.

Representative Basich appeared at the bar of the House.

HOUSE BILL NO. 1015, by Representatives Haugen, Ferguson, Roland, Horn, Zellinsky, Phillips, Winsley, Nealey, Nelson, Fraser and Rayburn

Creating a procedure for local government service agreements.

The bill was read the second time.

Mr. Ebersole moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1015.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1015, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 4, Excused - 2.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, and Mr. Speaker - 92.

Absent: Representatives Anderson, Sommers, H., Sprengle, Zellinsky - 04.

Excused: Representatives Casada, Ferguson - 02.

Substitute House Bill No. 1015, having received the constitutional majority, was declared passed.

Representative Zellinsky appeared at the bar of the House.

HOUSE BILL NO. 1017, by Representatives Ferguson, Haugen, Horn, Roland, Cole, Wood, Zellinsky, D. Sommers, Nealey, Nelson, Mitchell, Fraser and May

Establishing a citizens' review process for altering local governments.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1017.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1017, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 3, Excused - 2.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Anderson, Sommers, H., Sprenkle - 03.

Excused: Representatives Casada, Ferguson - 02.

House Bill No. 1017, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1041, by Representatives Anderson, McLean, Cantwell, Ferguson, Broback, Tate, Basich, May, Miller, Vance and Mitchell; by request of Secretary of State

Authorizing facsimile filing of election documents.

The bill was read the second time.

Mr. Ebersole moved that the committee recommendation be adopted (For committee amendments, see Journal, 51st Day, March 5, 1991.) and the engrossed bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1041.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1041, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 3, Excused - 2.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Anderson, Sommers, H., Sprengle - 03.

Excused: Representatives Casada, Ferguson - 02.

Engrossed House Bill No. 1041, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1194, by Representatives Zellinsky, Wynne, Cooper, Rayburn, Roland, Wood, Edmondson, Mitchell, Nealey, Bray, Franklin and Haugen

Revising and adding provisions on special districts.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1194.

Representatives Zellinsky and Wynne spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1194, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 3, Excused - 2.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Anderson, Sommers, H., Sprengle - 03.

Excused: Representatives Casada, Ferguson - 02.

Substitute House Bill No. 1194, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1207, by Representatives Cole, Fuhrman, Jones, R. King and Winsley; by request of Department of Labor & Industries

Revising information requirements for contractor registration.

The bill was read the second time.

Mr. Heavey moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1207.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1207, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 3, Excused - 2.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Anderson, Sommers, H., Sprenkle - 03.

Excused: Representatives Casada, Ferguson - 02.

Substitute House Bill No. 1207, having received the constitutional majority, was declared passed.

Representative Anderson appeared at the bar of the House.

HOUSE BILL NO. 1209, by Representatives Sheldon and P. Johnson

Concerning the requirements for filing for an elective office.

The bill was read the second time.

Mr. Ebersole moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1209.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1209, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 2, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Sommers, H., Sprenkle - 02.

Excused: Representatives Casada, Ferguson - 02.

Substitute House Bill No. 1209, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1275, by Representatives Haugen, Ferguson and Cooper

Adjusting provisions relating to local government.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1275.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1275, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 2, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter,

Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Sommers, H., Sprenkle - 02.

Excused: Representatives Casada, Ferguson - 02.

Substitute House Bill No. 1275, having received the constitutional majority, was declared passed.

Representative Sprenkle appeared at the bar of the House.

HOUSE BILL NO. 1295, by Representatives Wood, Jacobsen, Ogden, Miller, Sheldon, Spanel, Dellwo, May, Fraser, Paris, Betrozoff, Wineberry, R. Johnson, Brekke and Anderson

Establishing a physical access committee at each institution of higher education.

The bill was read the second time.

Mr. Ebersole moved that the committee recommendation be adopted (For committee amendment, see Journal, 52nd Day, March 6, 1991.) and the engrossed substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1295.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1295, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Sommers, H. - 01.

Excused: Representatives Casada, Ferguson - 02.

Engrossed Substitute House Bill No. 1295, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1316, by Representatives Fraser, Brumsickle, Haugen, Basich, Wang, Ferguson, Edmondson, Sheldon, Cooper, Bowman, Nealey, Riley, Wood, Zellinsky, Mitchell, H. Myers, Jones and Paris

Changing provisions relating to county treasurers.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1316.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1316, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Sommers, H. - 01.

Excused: Representatives Casada, Ferguson - 02.

Substitute House Bill No. 1316, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1336, by Representatives Leonard, Ogden, Anderson, Ballard, Nelson, Winsley, Wineberry, Franklin, Mitchell, Paris and Brekke

Regulating the screening of prospective residential tenants.

The bill was read the second time.

Mr. Nelson moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1336.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1336, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Sommers, H. - 01.

Excused: Representatives Casada, Ferguson - 02.

Substitute House Bill No. 1336, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1371, by Representatives Hargrove, Winsley, Prentice, Morris, Tate, Riley, Leonard, H. Myers, D. Sommers, Wynne, Moyer, Miller and May; by request of Department of Corrections

Modifying probation assessment provisions.

The bill was read the second time.

Ms. Leonard moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1371.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1371, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Sommers, H. - 01.

Excused: Representatives Casada, Ferguson - 02.

House Bill No. 1371, having received the constitutional majority, was declared passed.

Representative H. Sommers appeared at the bar of the House.

HOUSE BILL NO. 1372, by Representatives Hargrove, Winsley, Prentice, Morris, Tate, Riley, Leonard and H. Myers; by request of Department of Corrections

Repealing the interstate parole and probation hearing procedures act.

The bill was read the second time.

Ms. Leonard moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1372.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1372, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter,

Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Casada, Ferguson - 02.

House Bill No. 1372, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1379, by Representatives Cooper, Wood, Haugen and Zellinsky

Prohibiting connection of a sewer without approval of sewer district.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1379.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1379, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Casada, Ferguson - 02.

House Bill No. 1379, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1454, by Representatives Rust, Horn, Betrozoff and Nealey; by request of Department of Ecology

Pertaining to the applicability of the uniform fire code to underground storage tank laws.

The bill was read the second time.

Ms. Rust moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1454.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1454, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Casada, Ferguson - 02.

Substitute House Bill No. 1454, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1460, by Representatives Franklin, Haugen, Ferguson and Ebersole

Providing an alternative to drainage districts.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1460.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1460, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Casada, Ferguson - 02.

Substitute House Bill No. 1460, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1482, by Representatives Prentice, Moyer, Braddock, Morris, Heavey, Winsley, Orr, Wineberry and Anderson; by request of Department of Health

Modifying funding requirements of the AIDS service networks.

The bill was read the second time.

Ms. Spanel moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1482.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1482, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust,

Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Casada, Ferguson - 02.

House Bill No. 1482, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1536, by Representatives Anderson, Moyer, Sprengle, Paris, Wynne, Jacobsen and Winsley

Continuing hospice services an additional two years for medical assistance recipients.

The bill was read the second time.

Ms. Spanel moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1536.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1536, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Casada, Ferguson - 02.

House Bill No. 1536, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1554, by Representatives Anderson, McLean, Miller, Tate, R. Fisher, Paris and Jacobsen

Facilitating voter registration address verification.

The bill was read the second time.

Mr. Anderson moved that the committee recommendation be adopted (For committee amendment, see Journal, 51st Day, March 5, 1991.) and the engrossed bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1554.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1554, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Casada, Ferguson - 02.

Engrossed House Bill No. 1554, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1556, by Representatives Appelwick, Padden, Prentice, Dellwo, Ludwig, Edmondson, Mielke, D. Sommers, Paris, Moyer, Sprenkle, Braddock, Holland, Winsley, Wynne, Vance, Brough, Tate, Silver, Mitchell, Hochstatter, Nealey, Betrozoff, Morton, Wood and Horn

Limiting the strict liability of pharmacists.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1556.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1556, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Casada, Ferguson - 02.

Substitute House Bill No. 1556, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1561, by Representatives Anderson, McLean, Belcher and Bowman; by request of Department of General Administration

Creating the tort claims revolving fund.

The bill was read the second time.

Mr. Anderson moved that the committee recommendation be adopted (For committee amendment, see Journal, 52nd Day, March 6, 1991.) and the engrossed bill be advanced to third reading.

The Speaker (Mr. R. Meyers) stated the question before the House to be final passage of Engrossed House Bill No. 1561.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1561, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust,

Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Casada, Ferguson - 02.

Engrossed House Bill No. 1561, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1562, by Representatives Anderson, McLean, Belcher and Bowman; by request of Department of General Administration

Modifying the department of general administration's duties regarding excess receipts from building rent.

The bill was read the second time.

Mr. Anderson moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1562.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1562, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Casada, Ferguson - 02.

House Bill No. 1562, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker called the House to order.

MOTION

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

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1858 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1858, by Representatives Bray, Roland and Haugen

Authorizing cities and towns to cash employee checks, drafts, and warrants.

The bill was read the second time. On motion of Mr. Cooper, Substitute House Bill No. 1858 was substituted for House Bill No. 1858, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1858 was read the second time.

Ms. Haugen moved adoption of the following amendment by Representatives Ferguson, Bray and Haugen:

On page 1, line 7, after "town" insert "with a population of five thousand or less"

Mr. Cooper spoke against adoption of the amendment, and it was not adopted.

The Clerk read the following amendment by Representatives Ferguson, Bray and Haugen:

On page 2, line 15, after "city" insert "with a population of five thousand or less"

With consent of the House, Representative Haugen withdrew the amendment.

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

Representatives Bray and Haugen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1858, and the bill passed the House by the following vote: Yeas - 86, Nays - 9, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer,

Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, H., Spanel, Sprenkle, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Forner, Hochstatter, Johnson P., Lisk, Nealey, Padden, Sommers, D., Tate, Wynne - 09.

Excused: Representatives Casada, Ferguson, Wang - 03.

Substitute House Bill No. 1858, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1868 and House Bill No. 1036 and that the bills hold their places on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1127, by Representatives Sheldon, Hargrove, Appelwick, Forner, Paris, Vance, Scott, Wineberry, Jacobsen, Chandler, Wood, P. Johnson, Roland, R. Johnson, Haugen, Cantwell, Jones, May, Zellinsky, Brough, Basich, Lisk, Mitchell, Wynne, Miller, Moyer, Brekke and Sprenkle

Adding superior court judge positions.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Judiciary as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Appelwick, Substitute House Bill No. 1127 was substituted for House Bill No. 1127, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1127 was read the second time.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations.

Mr. Appelwick moved adoption of the following amendment by Representatives Appelwick and Padden:

On page 3, line 29 after "act." insert "Appointment of a stenographic reporter is not required for any additional superior court judge authorized after July 1, 1991."

Mr. Appelwick spoke in favor of adoption of the amendment, and it was adopted.

On motion of Mr. Appelwick the following amendment by Representatives Appelwick and Padden was adopted:

On page 5, after line 15, insert the following:

NEW SECTION. Sec. 8. A new section is added to chapter 2.08 RCW to read as follows:

No additional superior court judicial position authorized by the legislature after July 1, 1991, shall be effective unless:

(1) Before the enactment of the legislation authorizing the new position, the county legislative authority of the county in which the position is authorized has by resolution documented its approval of the position and documented its agreement to pay out of county funds, without reimbursement from the state, its share of the expenses of the position as provided for in statute;

(2) There is a demonstrated need for the new position based on a weighted caseload analysis prepared by the office of the administrator for the courts in accordance with RCW 2.56.030(12) that has examined the caseload in the county in which the new position is to be authorized.

(3) The judges of the superior court in the county in which the position is authorized have implemented mandatory arbitration for cases involving money judgments to the fullest extent allowed under RCW 7.06.020(1) for the entire calendar year for which the weighted caseload analysis was conducted.

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

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

On page 1, line 2 of the title, after "2.32.180;" insert "adding a new section to chapter 2.08 RCW;"

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

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

Representatives Sheldon and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1127, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden,

Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Casada, Ferguson, Wang - 03.

Engrossed Substitute House Bill No. 1127, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1279, by Representatives Heavey, Cole, R. King, Prentice, O'Brien, Jones, Leonard, Riley, Brekke and Basich

Revising provisions for unemployment compensation during labor disputes.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1296, by Representatives Ogden, Wood, Spanel, Miller, Sheldon, Dellwo, May, Fraser, Paris, Ferguson, Betrozoff, Mitchell, Wineberry, R. Johnson, Brekke, Basich and Anderson

Improving access to higher education for students with disabilities.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Higher Education as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Jacobsen, Substitute House Bill No. 1296 was substituted for House Bill No. 1296, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1296 was read the second time.

On motion of Ms. Spanel, the committee amendment by Committee on Appropriations was adopted.

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1296, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Meyers, R. - 01.

Excused: Representatives Casada, Ferguson, Wang - 03.

Engrossed Substitute House Bill No. 1296, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1353, by Representatives R. King, Jones and Cole; by request of Department of Labor & Industries

Revising provisions for industrial insurance coverage.

The bill was read the second time. On motion of Mr. Heavey, Substitute House Bill No. 1353 was substituted for House Bill No. 1353, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1353 was read the second time.

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

Representatives R. King and Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1353, and the bill passed the House by the following vote: Yeas - 59, Nays - 36, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Mitchell, Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Silver, Sommers, H., Spanel, Sprenkle, Valle, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 59.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Chandler, Edmondson, Forner, Fuhrman, Grant, Hochstatter, Holland, Horn, Johnson P., Lisk, McLean, Mielke, Miller, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Sheldon, Sommers, D., Tate, Vance, Van Luven, Wilson, Wood, Wynne - 36.

Excused: Representatives Casada, Ferguson, Wang - 03.

Substitute House Bill No. 1353, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1354, by Representatives Franklin, Jones and Cole; by request of Department of Labor & Industries

Changing notice and withhold requirements when industrial insurance taxes are in arrears.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1354, and the bill passed the House by the following vote: Yeas - 82, Nays - 12, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, H., Spanel, Sprenkle, Valle, Van Luven, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Bowman, Brumsickle, Chandler, Forner, Fuhrman, Hochstatter, Morton, Nealey, Padden, Paris, Tate, Vance - 12.

Absent: Representative Sommers, D. - 01.

Excused: Representatives Casada, Ferguson, Wang - 03.

House Bill No. 1354, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1036, by Representatives Valle, McLean, H. Sommers, Vance, Wineberry, Sheldon and Anderson; by request of Governor Gardner

Creating the office of director for the liquor control board.

The bill was read the second time. On motion of Mr. Anderson, Substitute House Bill No. 1036 was substituted for House Bill No. 1036, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1036 was read the second time.

Mr. O'Brien moved adoption of the following amendment:
On page 8, line 6, strike "three" and insert "~~((three))~~ five"

Representatives O'Brien and McLean spoke in favor of adoption of the amendment, and it was adopted.

Mr. McLean moved adoption of the following amendment:
On page 7, at line 20, strike "governor" and insert "liquor control board"

Mr. McLean spoke in favor of adoption of the amendment, and Mr. Anderson spoke against it.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 7, line 20, by Representative McLean to Substitute House Bill No. 1036, and the amendment was not adopted by the following vote: Yeas - 36, Nays - 59, Absent - 0, Excused - 3.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Chandler, Edmondson, Forner, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 36.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nealey, Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wineberry, Zellinsky, and Mr. Speaker - 59.

Excused: Representatives Casada, Ferguson, Wang - 03.

Ms. Bowman moved adoption of the following amendment by Representatives Bowman and Riley:

On page 30, after line 9, insert:

NEW SECTION. Sec. 22. The legislature finds that using the liquor control board to regulate and enforce all aspects of the licensing, enforcement, and retailing of liquor in the state creates potential ethical and professional conflicts of interest and limits the opportunity for some officers and employees of the state to do their jobs in a complete and professional manner.

The legislature declares that it is in the best interest of the people of the state for the duties and related powers of the liquor control board to be tailored to those needed for licensing, enforcement, education, and rehabilitation.

The legislature further declares that the people will be better served when the sale and marketing of liquor are left to private sector investors and entrepreneurs operating in a competitive market system.

NEW SECTION Sec. 23. A new section is added to chapter 66.08 RCW to read as follows:

(1) There is hereby created a joint committee on liquor control. The committee shall consist of: (a) Four members of the senate appointed by the president of the senate, two of whom shall be members of the majority party and two of whom shall be members of the minority party; and (b) four members of the house of representatives appointed by the speaker of the house of representatives, two of whom shall be members of the majority party and two of whom shall be members of the minority party. The governor shall appoint one member to serve at the pleasure of the governor. Members of the committee shall be appointed before the close of the 1991 legislative session and then as needed to fill vacancies.

(2) Each member's term of office shall run from the time appointed until February 15, 1994. The term of office for a committee member who does not continue as a member of the senate or house of representatives shall cease upon the convening of the next session of the legislature or upon the member's resignation, whichever is earlier. Vacancies on the committee shall be filled by appointment in the same manner as described in subsection (1) of this section. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

(3) The committee shall elect a chairperson and a vice-chairperson. The chairperson shall be a member of the senate in even-numbered years and a member of the house of representatives in odd-numbered years.

NEW SECTION Sec. 24. A new section is added to chapter 66.08 RCW to read as follows:

(1) The joint committee has the responsibility of developing a process, regulatory structure, and time schedule for transferring responsibilities for the sale, distribution, and marketing of liquor from the Washington state liquor control board to the private sector. The committee's recommendations shall be delivered to the legislature by January 1, 1992.

(2) The report of the joint committee on liquor control shall include but is not limited to recommendations on the following:

(a) An application process that details the fees, permits, and necessary qualifications for the applicants;

(b) A management plan for selling existing stocks, managing and renegotiating existing contracts, and transferring or subleasing any and all property held by the liquor control board;

(c) An assessment of the number of employees that will be needed under each option and the prospects for employment in the private sector for employees no longer needed by the liquor control board. The recommendation of the committee shall be consistent with sections 4 and 5 of this act, with the highest priority given to keeping state workers employed without needlessly hampering the new private sector participants; and

(d) Any information the committee deems necessary.

NEW SECTION Sec. 25. A new section is added to chapter 66.08 RCW to read as follows:

The joint committee shall recommend necessary rules and shall review the rules adopted by the Washington state liquor control board. The joint committee shall prepare draft legislation when

the committee believes that a rule is not appropriate for the private marketplace.

NEW SECTION Sec. 26. Sections 22 through 25 of this act shall expire February 15, 1994.

Renumber remaining sections consecutively and correct internal references.

Ms. Bowman spoke in favor of adoption of the amendment, and Mr. Anderson spoke against it.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 30, after line 9, by Representative Bowman to Substitute House Bill No. 1036, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 52, Absent - 0, Excused - 3.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Chandler, Edmondson, Former, Haugen, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Riley, Schmidt, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 43.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Fuhrman, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Roland, Rust, Scott, Sommers, H., Spanel, Sprenkle, Valle, Wineberry - 52.

Excused: Representatives Casada, Ferguson, Wang - 03.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Friday, March 15, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 15, 1991

The House was called to order at 9:30 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Appelwick, Belcher, G. Fisher, Heavey, Locke, Scott and H. Sommers. On motion of Mr. Bray, Representatives G. Fisher, Locke and Scott were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kara McCarthy and Ben Griner. Prayer was offered by The Most Reverend Thomas J. Murphy, Coadjutor Archbishop of Seattle.

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

MESSAGE FROM THE SENATE

March 14, 1991

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5022,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5096,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5114,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5120,
 SUBSTITUTE SENATE BILL NO. 5130,
 SUBSTITUTE SENATE BILL NO. 5193,
 SUBSTITUTE SENATE BILL NO. 5202,
 SENATE BILL NO. 5264,
 SENATE BILL NO. 5290,
 SUBSTITUTE SENATE BILL NO. 5300,
 SUBSTITUTE SENATE BILL NO. 5342,
 SENATE BILL NO. 5375,
 SUBSTITUTE SENATE BILL NO. 5438,
 SUBSTITUTE SENATE BILL NO. 5456,
 SUBSTITUTE SENATE BILL NO. 5478,
 SUBSTITUTE SENATE BILL NO. 5504,
 SUBSTITUTE SENATE BILL NO. 5518,
 SENATE BILL NO. 5522,
 SENATE BILL NO. 5678,
 ENGROSSED SENATE BILL NO. 5745,

SUBSTITUTE SENATE BILL NO. 5748,
 SENATE BILL NO. 5766,
 SENATE BILL NO. 5779,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5790,
 SENATE BILL NO. 5848,
 SENATE BILL NO. 5878,
 SUBSTITUTE SENATE BILL NO. 5891,
 SUBSTITUTE SENATE BILL NO. 5916,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

INTRODUCTIONS AND FIRST READING

2SSB 5022 by Senate Committee on Ways & Means (originally sponsored by Senators Gaspard, Bailey, Rinehart, von Reichbauer, Murray, Conner and Erwin)

Changing the Washington award for excellence in education program.

Referred to Committee on Education.

E2SSB 5025 by Senate Committee on Ways & Means (originally sponsored by Senators Craswell, Owen, Bailey, L. Smith, Roach, Stratton and Oke)

Providing services for at-risk youth and their families.

Referred to Committees on Human Services/Appropriations.

E2SSB 5096 by Senate Committee on Ways & Means (originally sponsored by Senators Barr, Hansen, Anderson, Newhouse, Conner, Bailey, Matson, Patterson, Amondson, Sellar, Bauer, McMullen and L. Smith)

Requiring state laws and rules to be assessed to determine adverse impacts on agriculture.

Referred to Committees on Agriculture & Rural Development/Appropriations.

ESSB 5114 by Senate Committee on Ways & Means (originally sponsored by Senators Murray, Bailey, Bauer, Thorsness, Erwin, Gaspard, A. Smith, Rinehart, Madsen, Talmadge, Wojahn, Rasmussen, Conner and Snyder; by request of Task Force on Student Transportation Safety)

Requiring safety enhancements for student transportation.

Referred to Committees on Education/Appropriations.

E2SSB 5120 by Senate Committee on Ways & Means (originally sponsored by Senators Nelson, Rasmussen, Thorsness, Stratton, Saling, McCaslin, Hayner, Erwin, L. Smith, Newhouse, Amondson, Johnson, Bailey, Gaspard, Vognild, Matson, West, Owen, Bauer, Snyder, Roach and Oke)

Making adjustments to child support guidelines.

Referred to Committee on Judiciary.

SSB 5130 by Senate Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf and Owen)

Changing provisions relating to the department of wildlife.

Referred to Committee on Fisheries & Wildlife.

SSB 5193 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators L. Smith, Wojahn, West, Johnson, Oke and Thorsness)

Providing a program to assess and monitor infants exposed to drugs.

Referred to Committees on Human Services/Appropriations.

SSB 5202 by Senate Committee on Law & Justice (originally sponsored by Senators Nelson and Madsen)

Changing provisions relating to civil judgments.

Referred to Committee on Judiciary.

SB 5264 by Senators Oke, Bailey, Rinehart, Stratton and Bauer

Authorizing the department of natural resources to establish a program in community and urban forestry.

Referred to Committee on Natural Resources & Parks.

SB 5290 by Senator Patterson

Defining resident for purposes of obtaining a valid driver's license.

Referred to Committee on Transportation.

SSB 5300 by Senate Committee on Ways & Means (originally sponsored by Senators Snyder, Rasmussen and Amondson)

Limiting business and occupation tax on fisheries.

Referred to Committees on Fisheries & Wildlife/Revenue.

SSB 5342 by Senate Committee on Commerce & Labor (originally sponsored by Senators Matson, Anderson, Owen, McCaslin and Oke)

Authorizing payment by annuity by self-insured employers.

Referred to Committee on Commerce & Labor.

SB 5375 by Senators Anderson, Rasmussen, Bailey, Johnson, Metcalf, Matson, McCaslin, Thorsness, Roach, Cantu, Oke, Craswell, A. Smith and L. Smith

Eliminating the masters degree requirement for teachers.

Referred to Committee on Education.

SSB 5438 by Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Owen, Talmadge and Moore)

Increasing stolen property values for determining degrees of theft.

Referred to Committee on Judiciary.

SSB 5456 by Senate Committee on Higher Education (originally sponsored by Senators Saling, Cantu and Bluechel)

Modifying tenure at community colleges.

Referred to Committee on Higher Education.

SSB 5478 by Senate Committee on Environment & Natural Resources (originally sponsored by Senators Conner and Wojahn)

Requiring comprehensive solid waste management plans to include provisions for recycling for single and multiple family residences.

Referred to Committee on Environmental Affairs.

SSB 5504 by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Bailey, Rinehart, Saling, Murray, Pelz, Gaspard, Patterson, A. Smith, Sutherland and L. Smith)

Establishing student teaching centers.

Referred to Committees on Education/Appropriations.

SSB 5518 by Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness, Sutherland, Patterson, Jesernig, Stratton and Roach; by request of Attorney General)

Regulating pay-per-call services.

Referred to Committee on Energy & Utilities.

SB 5522 by Senators Vognild, West, Pelz, Bailey, Moore, Sellar, Owen, Newhouse, Conner, Talmadge, A. Smith, Murray, Wojahn, Thorsness, Erwin, L. Kreidler, Rasmussen, Nelson, Saling, McCaslin, Craswell, Roach, McDonald, Bauer, Gaspard, Snyder and Johnson

Requiring life insurers to disclose policy limits based on war, suicide, or aviation.

Referred to Committee on Financial Institutions & Insurance.

SB 5678 by Senators Thorsness, Madsen, Rasmussen, Hayner, Newhouse, Erwin, A. Smith, L. Kreidler, Williams, Saling, Cantu, Sutherland, Owen, Johnson and Oke

Creating Washington national guard day.

Referred to Committee on State Government.

ESB 5745 by Senators Moore, Matson, West, McMullen, von Reichbauer, Murray, Stratton, Anderson and Bauer

Clarifying licensing requirements for special amusement games.

Referred to Committee on Commerce & Labor.

SSB 5748 by Senate Committee on Children & Family Services (originally sponsored by Senator Roach)

Requiring the department of social and health services to develop a coordinated policy for long-term care of children with special needs.

Referred to Committee on Human Services.

SB 5766 by Senators Pelz, Bailey, Rinehart, Erwin, Murray, Anderson, A. Smith, Newhouse, Stratton and Bauer

Creating an academic excellence program for at-risk youth.

Referred to Committees on Education/Appropriations.

SB 5779 by Senators Bauer, Rinehart, Bailey and Sutherland

Requiring direct appropriations to the school for the deaf and the school for the blind.

Referred to Committee on Appropriations.

ESSB 5790 by Senate Committee on Financial Institutions & Insurance
(originally sponsored by Senators von Reichbauer, Pelz, Moore,
Vognild, Rasmussen, McCaslin, Johnson and West)

Concerning automobile liability insurance.

Referred to Committee on Financial Institutions & Insurance.

SB 5848 by Senator Rasmussen

Increasing the homestead exemption.

Referred to Committee on Judiciary.

SB 5878 by Senators Stratton and Saling

Including grants to other state agencies in the types of grants that the department of ecology administers from tire fee funds.

Referred to Committee on Environmental Affairs.

SSB 5891 by Senate Committee on Environment & Natural Resources
(originally sponsored by Senators Oke, Snyder, Metcalf, Patterson,
McMullen, Owen, Rasmussen, Anderson, Matson, Bauer, Nelson,
Conner, Bailey, McCaslin, Hansen, Craswell and Amondson)

Exempting households where persons over the age of sixty-two reside from certain woodstove restrictions.

Referred to Committee on Environmental Affairs.

SSB 5916 by Senate Committee on Children & Family Services (originally sponsored by Senators Roach, Talmadge, L. Smith and Stratton)

Changing foster care provisions and providing a grievance process.

Referred to Committee on Human Services.

MOTION

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

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

SECOND READING

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that the House would immediately begin consideration of House Bills on the suspension calendar.

HOUSE BILL NO. 1578, by Representative Appelwick

Authorizing owners of property in the vicinity of a county road to petition for its vacation.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 1578.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1578, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 4, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Basich, Beck, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Appelwick, Belcher, Heavey, Sommers, H. - 04.

Excused: Representatives Fisher, G., Locke, Scott - 03.

House Bill No. 1578, having received the constitutional majority, was declared passed.

Representatives Appelwick and Heavey appeared at the bar of the House.

HOUSE BILL NO. 1607, by Representatives Horn, Roland and Haugen

Providing for liens for delinquent service charges of storm water control facilities and city-owned sewer systems.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 1607.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1607, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 2, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Belcher, Sommers, H. - 02.

Excused: Representatives Fisher, G., Locke, Scott - 03.

House Bill No. 1607, having received the constitutional majority, was declared passed.

Representative Belcher appeared at the bar of the House.

HOUSE BILL NO. 1610, by Representatives Leonard, Winsley, Franklin and Nelson

Making multiple changes to the mobile home landlord-tenant act.

The bill was read the second time.

Mr. Nelson moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1610.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1610, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Sommers, H. - 01.

Excused: Representatives Fisher, G., Locke, Scott - 03.

Substitute House Bill No. 1610, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1624, by Representatives Nelson, Mitchell, H. Sommers, Jacobsen, Winsley, R. Johnson and Phillips

Changing provisions relating to the housing trust fund.

The bill was read the second time.

Mr. Nelson moved that the committee recommendation be adopted (For committee amendments, see Journal, 52nd Day, March 6, 1991.) and the engrossed substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1624.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1624, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Sommers, H. - 01.

Excused: Representatives Fisher, G., Locke, Scott - 03.

Engrossed Substitute House Bill No. 1624, having received the constitutional majority, was declared passed.

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

THIRD READING

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1347 on the third reading calendar. The motion was carried.

HOUSE BILL NO. 1347, by Representatives Cole, Prentice, Winsley, Heavey, Wood, Anderson, R. King, Jacobsen, Brough, Edmondson, Miller, Paris, G. Fisher, Ludwig, Pruitt, Phillips, Sprenkle and Brekke

Allowing employees to use sick leave to care for children under one year of age.

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

Ms. Cole spoke in favor of passage of the bill, and Mr. Fuhrman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1347, and the bill passed the House by the following vote: Yeas - 79, Nays - 15, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betzoff, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Ludwig, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rüst, Schmidt, Sheldon, Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 79.

Voting nay: Representatives Ballard, Bowman, Brumsickle, Chandler, Fuhrman, Hochstatter, Holland, Horn, Lisk, May, McLean, Morton, Padden, Silver, Sommers, D. - 15.

Absent: Representative Sommers, H. - 01.

Excused: Representatives Fisher, G., Locke, Scott - 03.

House Bill No. 1347, having received the constitutional majority, was declared passed.

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

The Speaker (Mr. R. Meyers presiding) called the House to order.

Representatives G. Fisher, Locke, Scott and H. Sommers appeared at the bar of the House.

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

MOTION

On motion of Mr. Ebersole, Committee on Rules was relieved of Engrossed Substitute House Bill No. 1036 and the bill was placed on the third reading calendar.

POINT OF PERSONAL PRIVILEGE

Mr. Sprenkle: Thank you, Mr. Speaker. Today we have the distinct honor and privilege of having as our guest Dr. Leon Aller. Dr. Aller is a physician colleague of mine from Snohomish County and is the first and only physician from Washington State to be named the National Family Physician of the Year.

Dr. Aller has led a distinguished career that, in fact, has set for me a goal of doing things other than your medical practice in order to contribute to society. In his practice in Snohomish he has had forty-seven foster children whom he has taken to his home and raised. He and his wife Virginia have raised eight children, seven of them adopted. In his career he has gone all over the world, mainly to Africa and South America, providing health care to third world countries. He has made twenty-eight missions to Guatemala, essentially establishing a new health care delivery system there. Dr. Aller now is in the process of trying, after a full career in the military as well as in his medical

practice, to develop a program that will use the military forces of this country as ambassadors of peace to the third world.

I'd like Dr. Aller and his wife Virginia, who are in the North Gallery, to stand and be recognized by this body.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1036, by House Committee on State Government (originally sponsored by Representatives Valle, McLean, H. Sommers, Vance, Wineberry, Sheldon and Anderson; by request of Governor Gardner)

Organizing the liquor control board.

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

Representatives Valle, H. Sommers and Ferguson spoke in favor of passage of the bill, and Mr. McLean spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1036, and the bill passed the House by the following vote: Yeas - 67, Nays - 31, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Morris, Morton, Myers, H., Nelson, O'Brien, Ogden, Orr, Padden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Forner, Hochstatter, Johnson P., Lisk, McLean, Mielke, Miller, Mitchell, Moyer, Nealey, Neher, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wood, Wynne - 31.

Engrossed Substitute House Bill No. 1036, having received the constitutional majority, was declared passed.

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

RESOLUTION

HOUSE RESOLUTION NO. 91-4634, by Representatives O'Brien, Locke, Wineberry, Anderson, Prentice, Ballard, Hine, Winsley, Miller, Heavey, Ebersole, Rasmussen, Beck, Dellwo, Wang and Leonard

WHEREAS, El Centro de la Raza was founded October 11, 1972, under extremely difficult conditions, with no resources and a decaying abandoned building; and

WHEREAS, El Centro de la Raza not only survived these difficult times but, due to the courage and commitment of many individuals has become the largest and longest surviving Chicano/Latino organization in the state of Washington; and

WHEREAS, El Centro de la Raza has received national and international awards for its role in promoting peace and friendship between citizens of the United States and other nations; and

WHEREAS, El Centro de la Raza provides a variety of services from infant care to programs for the elderly, and has recently been nominated by the City of Seattle for a national award for its innovative housing program; and

WHEREAS, El Centro de la Raza strives to build broad-based coalitions to confront social problems and develop cultural, economic, and intellectual betterment for people who live in poverty; and

WHEREAS, These coalitions include the Minority Executive Directors Coalition of King County, the Human Services Coalition, the Rainbow Coalition, child care coalitions, and peace and justice coalitions; and

WHEREAS, El Centro de la Raza is an oasis of hope, for people of all walks of life, who want to unite and be a part of creating peace, justice, and equality, for our society today, and for generations yet to come;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor El Centro de la Raza and call to the attention of all citizens of the State of Washington this organization's accomplishments and goals in furthering programs not only for the benefit of people in the Latino/Chicano community, but for people of all races in order for them to enjoy a better way of life; and

BE IT FURTHER RESOLVED, That the House of Representatives commend Roberto Maestas, Executive Director of El Centro de la Raza and one of the original founders, for his untiring efforts, dedication, and leadership in behalf of the organization, and for his life commitment to helping others lead happier and more meaningful lives; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Roberto Maestas, Executive Director of El Centro de la Raza, and members of the staff.

Mr. O'Brien moved adoption of the resolution. Representatives O'Brien, Prentice, Wineberry, Anderson, Leonard, Miller and Nelson spoke in favor of the resolution.

House Resolution No. 91-4634 was adopted.

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

THIRD READING

MOTION

Mr. Ebersole moved that the House immediately consider Engrossed Substitute House Bill No. 1081 on the third reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1081, by House Committee on Transportation (originally sponsored by Representatives Morris, R. Fisher, Braddock, Winsley, Moyer, Paris, Day, G. Fisher, Prentice, H. Sommers, Cooper, R. Johnson, Rust, Dellwo, Pruitt, Phillips, Sprenkle, Riley, Wineberry, Basich, Jacobsen, Leonard, Roland, Bowman, Brekke, Orr, Appelwick and Anderson

Implementing a bicycle safety program.

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

Representatives Morris, Cooper, Rust and Wynne spoke in favor of passage of the bill; and Mr. Betrozoff spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1081, and the bill passed the House by the following vote: Yeas - 76, Nays - 22, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Braddock, Bray, Brekke, Brough, Brumsickle, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Silver, Sommers, H., Spanel, Sprenkle, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 76.

Voting nay: Representatives Ballard, Betrozoff, Bowman, Broback, Casada, Chandler, Forner, Fuhrman, Hochstatter, Johnson P., Lisk, McLean, Miller, Morton, Nealey, Padden, Prince, Schmidt, Sommers, D., Tate, Wilson, Wood - 22.

Engrossed Substitute House Bill No. 1081, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1151, by Representatives Ferguson, Appelwick, Winsley, Rasmussen, Tate, Fuhrman, Broback, Moyer, Holland, Dorn, Phillips, Pruitt, H. Sommers, Brumsickle, D. Sommers, Ogden, Ballard, Forner, Grant, Roland, Vance, Morris, Spanel, Paris, Haugen, May, Rayburn, Zellinsky, Silver, Betrozoff, Nealey, Sprenkle and Orr

Changing blood and breath alcohol content standards for intoxication.

The House resumed consideration of House Bill No. 1151 on third reading. (For previous action, see Journal, 58th Day, March 12, 1991.)

Mr. Ferguson again spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1151, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1151, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1198, by House Committee on Local Government (originally sponsored by Representatives Hine, G. Fisher, Holland, Forner, Prentice, Spanel, Valle, Heavey, R. Johnson and Leonard)

Regulating the placement of electrical facilities.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1198, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1198, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1202, by House Committee on Judiciary (originally sponsored by Representatives Riley, Ludwig, Winsley, Forner, Bray, Wood, Jones, R. Johnson, Jacobsen, Scott, Neher, Schmidt, Sheldon, Phillips, Orr, Basich, Leonard and Anderson; by request of Washington State Patrol)

Prohibiting firearms in state capitol buildings.

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

Mr. Riley spoke in favor of passage of the bill, and Representatives Padden and Hargrove spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1202, and the bill passed the House by the following vote: Yeas - 63, Nays - 35, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson R., Leonard, Locke, Ludwig, Meyers, R., Miller, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, Wynne, and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Forner, Fuhrman, Hargrove, Hochstatter, Horn, Johnson P., Jones, King, R., Kremen, Lisk, May, McLean, Mielke, Mitchell, Morton, Moyer, Nealey, Padden, Paris, Silver, Tate, Vance, Van Luven, Winsley, Wood, Zellinsky - 35.

Substitute House Bill No. 1202, having received the constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 1246, by Representatives R. King, Winsley, Jones, Ebersole, Prentice, O'Brien, R. Meyers, Scott and Phillips

Enforcing the payment of prevailing wages.

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

Mr. R. King spoke in favor of passage of the bill, and Representatives Lisk and Fuhrman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1246, and the bill passed the House by the following vote: Yeas - 73, Nays - 25, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Broback, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Brough, Brumsickle, Chandler, Edmondson, Fuhrman, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Morton, Nealey, Padden, Paris, Prince, Silver, Sommers, D., Tate, Wood - 25.

Engrossed House Bill No. 1246, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

I intended to vote "nay" on final passage of Engrossed House Bill No. 1246.

MARYANN MITCHELL, 30th District.

On final passage of Engrossed House Bill No. 1246 I voted "yes" unintentionally. I intended to vote "no" and wish this Journal entry to state that.

JOHN A. MOYER, 6th District.

SUBSTITUTE HOUSE BILL NO. 1342, by House Committee on Transportation (originally sponsored by Representatives Kremen, Braddock, R. Fisher, Spanel, R. Johnson and Nelson)

Authorizing cities to impose an excise tax on the sale or distribution of motor vehicle fuel and special fuel.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1342, and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Silver, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 62.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Fisher, G., Forner, Fuhrman, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Prince, Schmidt, Sommers, D., Tate, Vance, Van Luven, Wilson, Wynne - 36.

Substitute House Bill No. 1342, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677, by House Committee on Transportation (originally sponsored by Representatives Cooper, R. Fisher, Peery, Ogden, H. Myers, Morris, Jacobsen and Winsley)

Updating population criteria for high capacity transportation programs.

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

Representatives Cooper and Betzoff spoke in favor of passage of the bill, and Ms. Schmidt spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1677, and the bill passed the House by the following vote: Yeas - 83, Nays - 15, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Horn, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Meyers,

R., Mielke, Miller, Mitchell, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Chandler, Edmondson, Fuhrman, Hochstatter, Holland, Inslee, Johnson P., Lisk, Morton, Moyer, Nealey, Orr, Padden, Schmidt, Sheldon - 15.

Engrossed Substitute House Bill No. 1677, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1717, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Mielke, Day, Tate, Dellwo, Moyer, Belcher, Wood, Padden, Zellinsky, Bowman, Paris, Morton, Anderson, Holland, Broback, Ferguson, Ballard, P. Johnson, Brumsickle, Betrozoff, Chandler, Fuhrman, Nealey, Casada, D. Sommers, Forner, Horn, Wineberry, Scott, Wang, Van Luven, Winsley, Wynne, Brough, Miller, May and Mitchell)

Requiring disclosure of the right to cancel mortgage insurance.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1717, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Jones - 01.

Engrossed Substitute House Bill No. 1717, having received the constitutional majority, was declared passed.

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

SECOND READING

MOTION

Mr. Dorn moved that the House immediately consider House Bill No. 1655 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1655, by Representatives Heavey, Winsley, D. Sommers, Orr, Moyer, Cole, Wood, Jones, Tate, Kremen, Miller, Riley, Phillips, Belcher, R. Johnson, Sheldon, Dellwo, Zellinsky, Cooper, H. Myers, O'Brien, Morris, Prentice, Basich, Anderson, Spanel, Day, Franklin, Peery, Leonard, Cantwell, Ogden, G. Fisher, Grant, Dorn, Hargrove, Rayburn, Ludwig, R. Fisher, Nelson, Holland, P. Johnson, Rasmussen, Van Luven, Fraser, Bowman and Pruitt

Providing for state employee collective bargaining.

The bill was read the second time.

MOTION

Mr. Dorn moved that the House defer further consideration of House Bill No. 1655 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1674, by Representatives Orr, Spanel, Locke, Jacobsen, Heavey, Wineberry, Dorn, Hargrove, Morris, Riley, Basich, Rayburn, Grant, Anderson, Leonard, Sheldon, Cantwell, Jones, Nelson, Rasmussen, Dellwo, R. King, Roland, Zellinsky, R. Fisher, Winsley, Holland, O'Brien, Prentice, Pruitt, Ogden, Miller, Paris, Ebersole, Mitchell, Kremen, Scott, H. Myers and Inslee

Freezing tuition and fees at 1990 rates for Persian Gulf veterans.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 57th Day, March 11, 1991.)

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1674, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1674, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1723, by Representatives Ogden, Jacobsen, Wood, Spanel, Zellinsky, R. King, Roland, H. Myers and Fraser; by request of Higher Education Coordinating Board

Creating the Washington fund for excellence in higher education program.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 39th Day, February 21, 1991.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Higher Education.

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1723, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson,

Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1723, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1857, by Representatives Riley, Jones, Belcher, Wilson, Spanel and Sheldon; by request of Washington Hardwoods Commission

Revising provisions relating to the hardwood commission.

The bill was read the second time. On motion of Ms. Cantwell, Substitute House Bill No. 1857 was substituted for House Bill No. 1857, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1857 was read the second time.

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

Representatives Riley and Forner spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1857, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1857, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1884 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1907, by Representatives Dellwo, Broback, Zellinsky, Mielke, Anderson, R. Meyers, Winsley, Inslee, Paris, Dorn, Schmidt, Scott and R. Johnson

Regulating local government self-insurance.

The bill was read the second time. On motion of Mr. Dellwo, Substitute House Bill No. 1907 was substituted for House Bill No. 1907, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1907 was read the second time.

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

Representatives Dellwo, Broback and Zellinsky spoke in favor of passage of the bill, and Ms. Wood spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1907, and the bill passed the House by the following vote: Yeas - 82, Nays - 16, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Bowman, Brumsickle, Chandler, Edmondson, Fuhrman, Hochstatter, Horn, Lisk, May, Nealey, Neher, Padden, Rayburn, Silver, Sommers, D., Wood - 16.

Substitute House Bill No. 1907, having received the constitutional majority, was declared passed.

MOTION

Mr. Dellwo moved that the House defer consideration of House Bill No. 1012 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1133, by Representatives Valle, Ferguson, Belcher, Bowman, Sprenkle, Brekke, Pruitt, Dellwo, Sheldon, Morris, Jones, Betzoff and Orr

Changing review and approval of personal service contracts.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on State Government as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Anderson, Substitute House Bill No. 1133 was substituted for House Bill No. 1133, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1133 was read the second time.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations.

Mr. D. Sommers moved adoption of the following amendment by Representatives D. Sommers, Brumsickle, Ballard, Bowman, Miller, R. Fisher and Leonard to the committee amendment:

On page 5 of the committee amendment, after line 4, insert:

"NEW SECTION. Sec. 8. A new section is added to chapter 39.29 RCW to read as follows:

Personal service contracts between state agencies and state legislators or between state agencies and companies in which a state legislator has a majority interest often raise questions regarding a conflict of interest. The following rules apply to such proposed personal service contracts:

(1) The contract must be personally approved in writing by the agency director or commission chair; and

(2) The contract must be personally approved in writing by the director of the office of financial management; and

(3) The contract must be declared in writing by the chair of the house or senate ethics committee to be consistent with the ethical standards required of state legislators."

Mr. D. Sommers spoke in favor of adoption of the amendment.

MOTION

Ebersole moved that the House defer further consideration of Substitute House Bill No. 1133 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1208, by Representatives Belcher, Hargrove, Jones, Beck, Winsley, Nealey, R. King and Haugen; by request of Department of Corrections

Authorizing an interstate forest fire suppression compact.

The bill was read the second time. On motion of Ms. Leonard, Substitute House Bill No. 1208 was substituted for House Bill No. 1208, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1208 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1208, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1208, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1258, by Representatives Day, Moyer, Prentice, Braddock, Paris and Orr; by request of Department of Health

Changing provisions relating to nursing home administration.

The bill was read the second time. On motion of Mr. Day, Substitute House Bill No. 1258 was substituted for House Bill No. 1258, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1258 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1258, and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Edmondson, Hochstatter, Lisk - 03.

Substitute House Bill No. 1258, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1320 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1378, by Representatives Appelwick, Miller, Belcher, Locke, H. Myers, Prentice, Fraser, Leonard, Anderson and Scott

Changing provisions relating to superior court fees.

The bill was read the second time. On motion of Ms. Spanel, Substitute House Bill No. 1378 was substituted for House Bill No. 1378, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1378 was read the second time.

Mr. Appelwick moved adoption of the following amendment by Representatives Appelwick and McLean:

On page 5, line 24 after "Washington" strike everything through "Washington." on page 6, line 10 and insert "which has received basic field funding for the provision of civil legal services to indigents under Public Law 101-515.

(2) Funds distributed to qualified legal aid programs under this section shall be distributed on a basis proportionate to the number of individuals with incomes below the official federal poverty income guidelines who reside within the counties in the geographic service areas of such programs. The department of community development shall use the same formula for determining this distribution as is used by the legal services corporation in allocating funds for basic field services in the state of Washington.

(3) No funds distributed to qualified legal aid programs pursuant to this act may be used to bring a class action lawsuit."

Representatives Appelwick and Padden spoke in favor of adoption of the amendment, and it was adopted.

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

Mr. Appelwick spoke in favor of passage of the bill, and Mr. Padden spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1378, and the bill passed the House by the following vote: Yeas - 72, Nays - 26, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Miller, Mitchell, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Wood, Wynne, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Fuhrman, Hochstatter, Johnson P., Lisk, May, McLean, Mielke, Morton, Moyer, Nealey, Padden, Paris, Silver, Sommers, D., Tate, Winsley - 26.

Engrossed Substitute House Bill No. 1378, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1174 and House Bill No. 1448. The motion was carried.

HOUSE BILL NO. 1174, by Representatives Holland, Cole, Peery, Brumsickle, G. Fisher, Brough, Valle, Rasmussen, Phillips, Jones, Dorn, P. Johnson, Padden, Appelwick, Jacobsen, Winsley, Pruitt, Inslee, Ogden, Ballard, Wood, R. Johnson, Vance, Sheldon, Day, Spanel, Leonard, Broback, Paris, Rust, Scott, Haugen, Hine, Cantwell, Rayburn, Edmondson, Basich, Mitchell, Betzoff, Nealey, Miller, Bowman, Moyer, Fraser, O'Brien, Sprenkle, Tate and McLean; by request of Task Force on Student Transportation Safety

Allowing school bus drivers to report drivers who fail to stop.

The bill was read the second time. On motion of Mr. Peery, Substitute House Bill No. 1174 was substituted for House Bill No. 1174, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1174 was read the second time.

Ms. Cole moved adoption of the following amendment by Representatives Cole and Holland:

On page 2, after line 22, insert:

"NEW SECTION. Sec. 3. By December 1, 1991, the superintendent of public instruction shall review the current use of aides on special education buses and provide to the education committees of the house of representatives and the senate recommended guidelines, with associated fiscal impacts, for increasing the use of aides on special education buses."

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

With consent of the House, the following amendment by Representatives Cole and Holland to the title was adopted:

On page 1, line 1 of the title, strike "and" and on line 2, after "RCW" insert "; and creating a new section"

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1174, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1174, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1448, by Representatives Jacobsen, Anderson, Rust, Brekke, Prentice, Valle, Phillips, Heavey, Appelwick, Locke, H. Sommers, Belcher, Nelson, Hine, Fraser and Wineberry

Establishing the Union Bay wildlife habitat management area.

The bill was read the second time. On motion of Mr. R. King, Substitute House Bill No. 1448 was substituted for House Bill No. 1448, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1448 was read the second time.

Mr. Fuhrman moved adoption of the following amendment by Representatives Fuhrman and Jacobsen:

On page 3, after line 9, insert:

"NEW SECTION. Sec. 3. If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for this act, referencing this act by bill number, this act is null and void."

Representatives Fuhrman and R. King spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Fuhrman and Jacobsen to the title was adopted:

On page 1, line 2 of the title, after "creating" strike "a new section" and insert "new sections"

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1448, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsicklè, Caniwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1448, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1490 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1490, by Representatives R. Johnson, Haugen, Roland, Kremen, Rayburn, Spanel, Rust, Braddock, Scott and Paris

Changing provisions relating to flood control management.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Local Government as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Haugen, Substitute House Bill No. 1490 was substituted for House Bill No. 1490, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1490 was read the second time.

Mr. Inslee moved adoption of the committee amendment by Committee on Appropriations.

Mr. Wynne moved adoption of the following amendment by Representatives Wynne and R. Johnson to the committee amendment:

On page 4, after line 2 of the amendment, insert the following:

Sec. 5. RCW 86.26.007 and 1986 c 46 s 1 are each amended to read as follows: The flood control assistance account is hereby established in the state treasury. At the beginning of each biennium after June 30, ((1985)) 1991, the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal ((four)) ten million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter.

All earnings of investments of balances in the flood control assistance account shall be credited to the general fund.

Renumber the remaining sections consecutively and correct any internal references accordingly.

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

The Speaker assumed the Chair.

Representatives R. Johnson, Betrozoff and P. Johnson spoke in favor of adoption of the amendment to the committee amendment, and Mr. Inslee spoke against it.

The Speaker stated the question before the House to be adoption of the amendment on page 4, after line 2, by Representatives Wynne and R. Johnson to the committee amendment to Substitute House Bill No. 1490.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 56, Nays - 42. The amendment to the committee amendment was adopted.

MOTION

Mr. Ebersole moved that the House defer further consideration of Substitute House Bill No. 1490 and that the bill hold its place on the second reading calendar. The motion was carried.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1868 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1868, by Representatives Anderson, Ferguson, Cantwell, G. Fisher, Pruitt, Wineberry, Phillips and Hine

Restructuring administration of the department of transportation.

The bill was read the second time.

Mr. Ludwig moved adoption of the following amendment by Representatives Ludwig, Bray, R. Meyers, Inslee, Grant and Anderson:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of this act to provide the governor, as chief executive of the state, with the authority to appoint the secretary of the department of transportation, while otherwise maintaining the functions, powers and duties of the commission as set forth in RCW 47.01.071 and the authority and duties of the secretary as set forth in RCW 47.01.101.

Sec. 2. RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of wildlife, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of trade and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, (15) the director of community development, and (16) the secretary of health.

Such officers(~~(, except the secretary of transportation,)~~) shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of wildlife, however, shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year. (~~(The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.)~~)

Sec. 3. RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each amended to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the (~~(transportation commission))~~ governor with the consent of the senate, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The secretary shall hold office at the pleasure of the governor.

The secretary shall be an ex officio member of the commission without a vote. The secretary shall be the chief executive officer of the commission (~~(and be responsible to it, and shall be guided by policies established by it. The secretary shall serve until removed by the commission, but only for incapacity, incompetence, neglect of duty, malfeasance in office, or failure to carry out the commission's policies. Before a motion for dismissal shall be acted on by the commission, the secretary shall be granted a hearing on formal written charges before the full commission. An action by the commission to remove the secretary shall be final).~~)

Sec. 4. RCW 47.01.101 and 1987 c 505 s 48 and 1987 c 179 s 1 are each reenacted and amended to read as follows:

The secretary shall have the authority and it shall be his or her duty, subject to policy guidance from the commission and the governor:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;

(8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation and, in such manner as prescribed therein, to make and report to the commission and the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, deviations from the planned biennial category A and H highway construction programs necessary to adjust to unexpected delays or other unanticipated circumstances(-); and

(9) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

The Clerk read the following amendment by Representatives Heavey, Sprenkle and Phillips to the amendment:

On page 2, of the amendment, following line 8 insert the following:

"NEW SECTION. Sec. 5. The legislative budget committee shall, by competitive bid, hire a qualified consultant to conduct a study evaluating all pertinent aspects of the governance and management of the state's transportation system and comparing the system to alternative systems in other states. The study shall provide for extensive involvement from elected officials, transportation experts and the general public and shall address the concerns of the less-populated areas of the state.

The study shall be contracted for in two phases. The phase I study shall establish the scope of the phase II study and shall be completed within sixty days of the award of the phase I contract. The phase II study shall include a review of audits, reports, and complaints concerning the state's transportation. The phase II study shall be completed and a final report made to the legislative budget committee by December 1, 1992.

NEW SECTION. Sec. 6. The sum of two million two hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the motor vehicle fund to the legislative budget committee for the fiscal biennium ending June 30, 1993, to carry out the purposes of section 5 of this act. Of this amount, no more than two hundred thousand dollars may be used for phase I of the study, and no more than two million dollars may be used for phase II of the study."

Renumber the remaining section.

With consent of the House, Representative Heavey withdrew the amendment.

Mr. Anderson moved adoption of the following amendment to the amendment:

On page 3, line 12, of the amendment, strike "immediately" and insert "on July 1, 1991"

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

Representatives Ludwig, R. Fisher and Betrozoff spoke in favor of adoption of the amendment by Representative Ludwig and others as amended, and Ms. Schmidt spoke against it. The amendment as amended was adopted.

Mr. Fuhrman moved adoption of the following amendment:

On page 1 strike everything after the enacting clause and insert:

"NEW SECTION. Sec. 1. The legislature recognizes the unique needs of the citizens of the state who live and are employed around Puget Sound, the businesses who must cross Puget Sound as part of conducting business, and the tourists who visit the area. The legislature also recognizes the part played by the Washington state ferry system in meeting these needs. The governor, as head of the executive branch, should have direct control over the Washington state ferry system. The legislature therefore finds and declares that a separate agency in state government should be created to service those requirements.

NEW SECTION. Sec. 2. The department of marine transportation is created. All powers and duties regarding marine transportation currently held by the department of transportation are transferred to the department of marine transportation. The governor has direct control over the department of marine transportation."

Mr. Fuhrman spoke in favor of adoption of the amendment, and Mr. R. Meyers spoke against it.

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

Ms. Schmidt spoke in favor of adoption of the amendment, and Ms. R. Fisher spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 1 by Representative Fuhrman to House Bill No. 1868, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 58, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballard, Beck, Betrozoff, Bowman, Broback, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Fomer, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 40.

Voting nay: Representatives Anderson, Basich, Belcher, Braddock, Bray, Brekke, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley,

Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 58.

Mr. Ludwig moved adoption of the following amendment by Representative Ludwig and others to the title:

On page 1, line 2 of the title, after "47.01.041" strike the remainder of the title and insert "; reenacting and amending RCW 47.01.101, creating new sections, and declaring an emergency."

With consent of the House, the following amendment by Representative Anderson to the title amendment was adopted:

On page 3, line 5, of the title amendment, after "sections," insert "providing an effective date,"

With consent of the House, the title amendment by Representative Ludwig and others as amended was adopted.

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

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

RESOLUTION

HOUSE RESOLUTION NO. 91-4635, by Representatives Prince and Nealey

WHEREAS, Participation in academic competition provides opportunities for the development and enhancement of the participant's mental alertness, independence, personal goal setting, and the ability to cooperate and work with others in a common cause; and

WHEREAS, The Washington State Legislature wishes to encourage student participation in academic competition; and

WHEREAS, The "Future Problem Solving Program" is an international program for academic competition sponsored by Centrum, a nonprofit education organization located at Fort Worden State Park, Port Townsend, Washington; and

WHEREAS, The Office of the State Superintendent of Public Instruction has provided funding and support for this state-wide education program for highly capable youth for the past eighteen years; and

WHEREAS, Three thousand two hundred seventy-eight elementary and secondary school students from the State of Washington participated in the Future Problem Solving Program in 1990; and

WHEREAS, The Colfax High School team, comprised of Susan Adams, Matt Carpenter, Heather Hochstatter, Joe Poshusta, and teacher/coach Tenny Brannan, placed first in the state-wide Future Problem Solving Program's academic competition in 1990; and

WHEREAS, In the June 1990 international competition held in St. Louis, Missouri, the Colfax High School team placed first among the three hundred teams representing fifty states and various foreign countries including teams from as far away as New Zealand; and

WHEREAS, The families, teachers, and school administrators have nurtured and supported the interest and talents of these students;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the Colfax High School Future Problem Solving Program team for its unparalleled intellectual and creative achievement and for the honor that the team has bestowed upon their school, their community, and the State of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the families, teachers, school administrators, Centrum, and the State Superintendent of Public Instruction for their encouragement and support of every student that participated in this program; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each member of the Colfax High School team.

Mr. Prince moved adoption of the resolution and spoke in favor of it.

House Resolution No. 91-4635 was adopted.

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

THIRD READING

ENGROSSED HOUSE BILL NO. 1868, by Representatives Anderson, Ferguson, Cantwell, G. Fisher, Pruitt, Wineberry, Phillips and Hine

Restructuring administration of the department of transportation.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1868.

Representatives Anderson, Heavey, Cantwell and Zellinsky spoke in favor of passage of the bill, and Representatives McLean, Wilson, Betrozoff, Chandler, May, Wood and Horn spoke against it.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1868, and the bill passed the House by the following vote: Yeas - 54, Nays - 44, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jones, King,

R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 54.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brunsickle, Casada, Chandler, Day, Dellwo, Edmondson, Former, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Johnson R., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Spanel, Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 44.

Engrossed House Bill No. 1868, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1115,
HOUSE JOINT MEMORIAL NO. 4020.

The Speaker called on Representative R. Meyers to preside.

MOTION

Mr. Ebersole moved that the House immediately resume consideration of House Bill No. 1655 on the regular second reading calendar. The motion was carried. (For previous action, see today's Journal.)

HOUSE BILL NO. 1655, by Representatives Heavey, Winsley, D. Sommers, Orr, Moyer, Cole, Wood, Jones, Tate, Kremen, Miller, Riley, Phillips, Belcher, R. Johnson, Sheldon, Dellwo, Zellinsky, Cooper, H. Myers, O'Brien, Morris, Prentice, Basich, Anderson, Spanel, Day, Franklin, Peery, Leonard, Cantwell, Ogden, G. Fisher, Grant, Dorn, Hargrove, Rayburn, Ludwig, R. Fisher, Nelson, Holland, P. Johnson, Rasmussen, Van Luven, Fraser, Bowman and Pruitt

Providing for state employee collective bargaining.

On motion of Mr. Heavey, Substitute House Bill No. 1655 was substituted for House Bill No. 1655, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1655 was read the second time.

Mr. Fuhrman moved adoption of the following amendments by Representatives Fuhrman and Lisk:

On page 20, beginning on line 28, after "commence" strike all material through "year" on line 29 and insert "in each odd-numbered year immediately following adoption by the legislature and approval by the governor of the biennial budget"

On page 21, line 15, after "biennium." insert "The compensation and fringe benefit provisions of any collective bargaining agreement, or an arbitrator's award in lieu of an

agreement, that is concluded after July 1st of an odd-numbered year shall be retroactive to July 1st."

On page 21, beginning on line 21, strike all material through "needs." on page 22, line 8

Representatives Fuhrman, Schmidt and Betrozoff spoke in favor of adoption of the amendments, and Representatives Heavey and R. King spoke against them. Mr. Fuhrman again spoke in favor of the amendments, and Mr. Heavey again opposed them.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be adoption of the amendments on pages 20 and 21 by Representatives Fuhrman and Lisk.

A division was called. The Speaker (Mr. R. Meyers presiding) called upon the House to divide. The result of the division was: Yeas - 39, Nays - 59. The amendments were not adopted.

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

Mr. Heavey spoke in favor of passage of the bill, and Mr. Fuhrman spoke against it.

POINT OF INQUIRY

Mr. Heavey yielded to question by Mr. Jones.

Mr. Jones: Representative Heavey, are we going to allow existing units to continue for bargaining purposes or are they going to be set aside?

Mr. Heavey: Thank you for asking that question, Representative Jones. Existing bargaining units need not be set aside and may continue to represent their respective members until such time as the members vote as a result of commission action.

Representatives Jones, Wood, Nelson and Winsley spoke in favor of passage of the bill.

Mr. Zellinsky demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1655, and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Ballard, Betrozoff, Brumsickle, Fuhrman, Hochstatter, Horn, Lisk, May, McLean, Morton, Nealey, Padden, Prince, Silver - 14.

Substitute House Bill No. 1655, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I erred in voting on voting on final passage of Substitute House Bill No. 1655. I meant to vote "yes" on this bill.

BILL BRUMSICKLE, 20th District.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker (Mr. R. Meyers presiding) called the House to order.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1027 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1027, by Representatives Rust, Horn, Phillips, Heavey, Anderson, Basich, Vance, Wineberry, Wilson, R. Johnson, Wang, Sprenkle, Spanel, Miller, Ogden, Jones, Prentice, Leonard, Inslee, Fraser, R. King, Nelson, Pruitt, G. Fisher, Jacobsen, R. Fisher, Valle, Roland, Hine, Winsley, Rasmussen, Appelwick and Brekke; by request of Governor Gardner

Adopting oil and hazardous substance spill prevention and response provisions.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Environmental Affairs as amended by Committee on Revenue. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Rust, Substitute House Bill No. 1027 was substituted for House Bill No. 1027, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1027 was read the second time.

Mr. Wang moved adoption of the committee amendment by Committee on Revenue.

Mr. Horn moved adoption of the following amendments by Representatives Horn, Rust and Phillips to the committee amendment:

On page 4, line 11 of the amendment, after "measures." strike all material through "require." on line 14 of the amendment

On page 39, line 23 of the amendment, after "measures." strike all material through "require." on line 26 of the amendment

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

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

On page 7, line 5 of the amendment, after "means" insert ": (a)"

On page 7, line 9 of the amendment, after "shorelines" insert "; and (b) any pipeline any part of which is located in, on, or under any land of the state, including submerged land, that because of its location, could reasonable be expected to cause substantial harm to the environment by discharging oil into or on the waters of the state or the adjoining shorelines"

On page 41, line 21 of the amendment, after "means" insert ": (a)";

On page 41, line 25 of the amendment, after "shorelines" insert "; and (b) any pipeline any part of which is located in, on, or under any land of the state, including submerged land, that because of its location, could reasonable be expected to cause substantial harm to the environment by discharging oil into or on the waters of the state or the adjoining shorelines"

On page 69, line 14 of the amendment, after "means" insert ": (a)"

On page 69, line 18 of the amendment, after "shorelines" insert "; and (b) any pipeline any part of which is located in, on, or under any land of the state, including submerged land, that because of its location, could reasonable be expected to cause substantial harm to the environment by discharging oil into or on the waters of the state or the adjoining shorelines"

Representatives Jones and Wilson spoke in favor of adoption of the amendments to the committee amendment, and Representatives Rust, Phillips and Horn spoke against them.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be adoption of the amendments on pages 7, 41 and 69 by Representative Jones to the committee amendment to Substitute House Bill No. 1027.

A division was called. The Speaker (Mr. R. Meyers presiding) called upon the House to divide. The result of the division was: Yeas - 12, Nays - 84. The amendments to the committee amendment were not adopted.

Mr. Phillips moved adoption of the following amendment by Representatives Phillips and Horn to the committee amendment:

On page 29, line 23, strike section 303

Renumber the remaining sections and correct internal references.

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

The Clerk read the following amendments by Representatives Heavey, Fuhrman, R. Fisher, Schmidt, R. Meyers, G. Fisher, Van Luvan and Prentice to the committee amendment:

On page 7, line 23, after "firm," strike "individual," and insert "~~((individual,))~~"

On page 63, beginning on line 26, strike all material through line 11 on page 64

Renumber remaining sections consecutively and correct internal references.

With consent of the House, Representative Heavey withdrew the amendments to the committee amendment.

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

On page 7, line 11 of the amendment, strike "devise" and insert "demise"

On page 14, line 14 of the amendment, strike "AND VESSEL"

On page 20, line 2 of the amendment, after "oil;" strike everything through "(iii)" on line 6 of the amendment and insert "and; (ii)"

On page 22, line 2 of the amendment, strike "and hazardous substances" and insert "~~((and hazardous substances))~~"

On page 26, line 9 of the amendment, strike "administrator" and insert "director"

On page 26, line 17 of the amendment, strike "administrator" and insert "director"

On page 36, line 2 of the amendment, after "chapter" insert "and chapter --- RCW (sections 413 through 424 of this act)"

On page 36, line 4, of the amendment, after "chapter" insert "and chapter --- RCW (sections 413 through 424 of this act)"

On page 36, line 13, of the amendment, after "chapter" insert "and chapter --- RCW (sections 413 through 424 of this act)"

On page 36, line 16, of the amendment, after "chapter" insert "and chapter --- RCW (sections 413 through 424 of this act)"

On page 36, line 18, of the amendment, after "chapter" insert "and chapter --- RCW (sections 413 through 424 of this act)"

On page 36, line 20, of the amendment, after "chapter" insert "and chapter --- RCW (sections 413 through 424 of this act)"

On page 41, line 27 of the amendment, strike "devise" and insert "demise"

On page 51, line 6 of the amendment, strike "office" and insert "director"

On page 52, line 18 of the amendment, strike "this chapter" and insert "chapter 88.40 RCW"

On page 53, line 4 of the amendment, strike "department" and insert "office"

On page 63, line 4 of the amendment, after 88.16.180 strike "as recodified by this 1991 act"

On page 63, line 5 of the amendment, after "88.16.190, strike "as recodified by this 1991 act"

On page 63, line 24 of the amendment, strike "as recodified by this 1991 act"

On page 69, line 20 of the amendment, strike "devise" and insert "demise"

On page 70, line 19 of the amendment, strike "oil or" and insert "~~((oil or))~~"

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

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

On page 10, line 19 of the amendment, strike "The establishment (" and insert "~~((The establishment~~"

On page 10, line 23 of the amendment, after "~~(6))~~" strike all material through "(6)" on line 25 of the amendment

On page 10, line 28 of the amendment, strike "(7)" and insert "(6)"

On page 10, line 29 of the amendment, strike "(8)" and insert "(7)"

On page 39, after line 14 of the amendment, insert:

"NEW SECTION. Sec. 423. TANK VESSEL RESPONSE EQUIPMENT STANDARDS. The office may adopt rules including but not limited to standards for spill response equipment to be maintained on tank vessels."

Renumber the remaining sections and correct internal references.

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

Mr. Horn moved adoption of the following amendments by Representatives Horn, Phillips and Rust to the committee amendment:

On page 64, line 3 of the amendment, after "operation of a" insert "tank"

On page 64, line 10 of the amendment, after "operation of a" insert "tank"

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

Mr. Horn moved adoption of the following amendments by Representatives Horn, Rust and Phillips to the committee amendment:

On page 71, line 1 of the amendment, after "(2)(a)" strike "A" and insert "Except as provided in (c) of this subsection, a"

On page 71, after line 9, insert "(c) The owner or operator of a tank vessel who is a member of an international protection and indemnity mutual organization and is covered for oil pollution risks up to the amounts required under this section is not required to demonstrate financial responsibility under this chapter."

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

Mr. Wang moved adoption of the following amendments by Representatives Wang, Rust and Horn to the committee amendment:

On page 73, line 23, strike everything through line 26 on page 79 and insert:

"NEW SECTION. Sec. 801. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Barrel" means a unit of measurement of volume equal to forty-two U.S. gallons of crude oil or petroleum product.

(2) "Crude oil" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline.

(3) "Department" means the department of revenue.

(4) "Marine terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products to or from a waterborne vessel or barge.

(5) "Navigable waters" means those waters of the state and their adjoining shorelines that are subject to the ebb and flow of the tide, including the Columbia and Snake rivers.

(6) "Person" has the meaning provided in RCW 82.04.030.

(7) "Petroleum product" means any liquid hydrocarbons at atmospheric temperature and pressure that is the product of the fractionation, distillation, or other refining or processing of crude oil, and that is used as, useable as, or may be refined as a fuel or fuel blendstock, including but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and fuels containing a blend of alcohol and petroleum.

(8) "Taxpayer" means the person owning crude oil or petroleum products at the time the same are off-loaded at a marine terminal in this state and who is liable for the taxes imposed by this chapter.

(9) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of travelling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

NEW SECTION. Sec 802. (1) An oil spill response tax is imposed on the privilege of off-loading crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products at the time such off-loading occurs at the rate of two cents per barrel of crude oil or petroleum product off-loaded.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of off-loading crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products at the time such off-loading occurs at the rate of three cents per barrel of crude oil or petroleum product off-loaded.

(3) The taxes imposed by this chapter shall be collected by the marine terminal operator from the owner of the crude oil or petroleum products off-loaded at the marine terminal. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the imposition of the taxes, or having collected the taxes, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine terminal operator shall relieve the owner from further liability for the taxes.

(4) Taxes collected under this chapter shall be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected shall be stated separately from other charges made by the marine terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes shall be due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine terminal operator or to the department, shall constitute a debt from the taxpayer to the marine terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter, shall be guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the owner of crude oil or petroleum products off-loaded in this state may pay the taxes imposed by this chapter directly to the department. The department shall give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department shall provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator shall relieve the marine terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section shall be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the state oil spill administration account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management shall determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and shall not be used to challenge the validity of any tax imposed under this chapter. The office of financial management shall promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than twenty-five million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than fifteen million dollars.

NEW SECTION. Sec. 803. The taxes imposed under this chapter shall only apply to the first off-loading of crude oil or petroleum products at a marine terminal in this state and not to the later transporting and subsequent off-loading of the same oil or petroleum product, whether in the form originally off-loaded in this state or after refining or other processing.

NEW SECTION. Sec. 804. Credit shall be allowed against the taxes imposed under this chapter for any crude oil or petroleum products off-loaded at a marine terminal and subsequently exported from or sold for export from the state.

NEW SECTION. Sec. 805. The state oil spill response account is created in the custody of the state treasurer. All receipts from section 802(1) of this act shall be deposited in the account. The account is subject to allotment procedures under chapter 43.88 RCW. Only the director of ecology or the director's designee may authorize expenditures from the account. Expenditures from the account shall be used exclusively for the costs associated with the response to spills of crude oil or petroleum products into the navigable waters of the state. Payment of response costs under this section shall be limited to spills which the director has determined are likely to exceed fifty thousand dollars. Prior to approving an expenditure under this section, the director shall make

reasonable efforts to obtain funding for response costs from the person responsible for the spill and from other sources, including the federal government. Reimbursement for response costs shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

- (1) Natural resource damage assessment and related activities;
- (2) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;
- (3) Interagency coordination and public information related to a response; and
- (4) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 806. The state oil spill administration account is created in the state treasury. All receipts from section 802(2) of this act shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. On July 1 of each odd-numbered year, if receipts from the tax imposed by section 802(2) of this act for the previous fiscal biennium exceed the amount appropriated from the account for the previous fiscal biennium, the state treasurer shall transfer the amount of receipts exceeding the appropriation to the oil spill response account. Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and chapter 88.-- (sections 413 through 424 of this act) RCW. Costs of administration include the costs of:

- (1) Routine responses not covered under section 805 of this act;
- (2) Management and staff development activities;
- (3) Development of rules and policies and the state-wide plan provided for in RCW 90.48.378 as recodified by this act;
- (4) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;
- (5) Interagency coordination and public outreach and education;
- (6) Collection and administration of the tax provided for in chapter 82.-- RCW (sections 801 through 804 of this act); and
- (7) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 807. The following amounts are appropriated from the oil spill administration account for the biennium ending June 30, 1993, for the purposes of this act and chapters 90.48, 90.56, 88.40, and 88.-- (sections 413 through 424 of this act) RCW.

Department of Ecology	\$ 2,844,000
Marine Safety Office	\$ 2,996,000
Department of Wildlife	\$ 965,000
Department of Community Development	\$ 500,000
Department of Fisheries	\$ 410,000
State Parks and Recreation Commission	\$ 61,000
University of Washington	\$ 229,000
Department of Natural Resources	\$ 35,000
Department of Revenue	\$ <u>120,000</u>

Total Appropriation.....\$ 8,160,000

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

- (1) The entire appropriation to the University of Washington is provided solely for the Washington sea grant program to develop and conduct a spill prevention education program in accordance with section 110 of this act; and

(2) \$450,000 of the appropriation to the department of wildlife is provided solely for a marine mammal and bird rehabilitation center, of which \$400,000 is for one-time capital costs and \$50,000 is for biennial contract staffing costs for the center.

NEW SECTION. Sec. 808. The director of ecology shall submit a report to the appropriate standing committees of the legislature by November 1 of each even-numbered year showing detailed information regarding expenditures authorized by the director under section 805 of this act. The report shall include, but not be limited to:

(1) The total amount spent for each response for which the director has approved expenditures and the amount paid for from the spill prevention and response account;

(2) The amount recovered from a responsible party for each spill;

(3) The amount of time between a spill and the time a responsible party assumes responsibility for the response costs related to a spill;

(4) The number of incidents for which the director has determined that the responsible party or another source was available to pay for the response; and

(5) A recommendation concerning the need to continue collecting the tax under section 802(1) of this act.

This section shall expire December 31, 1996."

Renumber sections consecutively and correct any internal references accordingly.

On page 115, before line 1 of the amendment, insert "Section 805 of this act Section 806 of this act"

On page 115, line 4 of the amendment, strike "801 through 805, 807, and 808" and insert "sections 801 through 804, 809, and 810"

On page 116, line 6, after "immediately" insert ", except for sections 801 through 804, 809, and 810 of this act, which shall take effect October 1, 1991"

Representatives Wang, Horn and Van Luven spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

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

Mr. Wang moved adoption of the committee amendment to the title.

With consent of the House, the following amendment by Representatives Phillips and Horn to the committee amendment to the title was adopted:

On page 116, line 13 of the amendment to the title, strike "90.38.350,"

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

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

Representatives Rust, Horn and Phillips spoke in favor of passage of the bill, and Ms. Edmondson spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1027, and the bill passed the House by the following vote: Yeas - 86, Nays - 12, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betrozoff, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Ballard, Bowman, Chandler, Edmondson, Fuhrman, Hochstatter, Lisk, McLean, Mielke, Nealey, Neher, Prince - 12.

Engrossed Substitute House Bill No. 1027, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately resume consideration of Substitute House Bill No. 1133 on the regular second reading calendar. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1133, by House Committee on State Government (originally sponsored by Representatives Valle, Ferguson, Belcher, Bowman, Sprenkle, Brekke, Pruitt, Dellwo, Sheldon, Morris, Jones, Betrozoff and Orr

Changing review and approval of personal service contracts.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be adoption of the amendment on page 5 by Representatives D. Sommers, Brumsickle, Ballard, Bowman, Miller, R. Fisher and Leonard to the committee amendment by Committee on Appropriations.

With consent of the House, Representative D. Sommers withdrew the amendment to the committee amendment.

Mr. D. Sommers moved adoption of the following amendment by Representatives D. Sommers, Schmidt, Leonard, Valle, Belcher, Ballard and R. Fisher to the committee amendment:

On page 5 of the committee amendment, after line 4, insert:

"NEW SECTION. Sec. 8. A new section is added to chapter 39.29 RCW to read as follows:

Personal service contracts between state agencies and state legislators or between state agencies and companies in which a state legislator is either employed or has a majority interest often raise questions regarding a conflict of interest. The following rules apply to such proposed personal service contracts:

(1) The contract must be personally approved in writing by the agency director or commission chair; and

(2) The contract must be personally approved in writing by the director of the office of financial management.

The contract must be filed with the house or senate ethics committee within five business days of being signed."

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

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

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

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

Representatives Valle and Belcher spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. D. Sommers yielded to question by Ms. Belcher.

Ms. Belcher: Representative Sommers, was it your intent with the amendment that passed that the term "personal service contract" include both direct contracts and those indirect contracts where state money goes to one entity and then is contracted to a second entity which is either a legislator or a company that employs a legislator?

Mr. D. Sommers: Thank you. Yes. It is the intent that the public and the ethics committees should have disclosed all state funds which go to legislators or to firms employing legislators.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1133, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen,

Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1133, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1407, by Representatives Dellwo, O'Brien, Heavey, Cantwell, Anderson, Wineberry and Valle

Defining procedure for investment of state funds.

The bill was read the second time. On motion of Mr. Anderson, Substitute House Bill No. 1407 was substituted for House Bill No. 1407, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1407 was read the second time.

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

Representatives Dellwo, Paris, Anderson, Wang and O'Brien spoke in favor of passage of the bill, and Mr. McLean spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1407, and the bill passed the House by the following vote: Yeas - 83, Nays - 15, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Grant, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Morris, Morton, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Ballard, Betrozoff, Brough, Fuhrman, Haugen, Hochstatter, Johnson P., Lisk, McLean, Mielke, Miller, Mitchell, Nealey, Silver, Vance - 15.

Substitute House Bill No. 1407, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1408, by Representatives Dellwo, Silver, Orr, Padden, D. Sommers and Mielke

Establishing a license to sell liquor in motels.

The bill was read the second time.

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

Representatives Dellwo and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1408, and the bill passed the House by the following vote: Yeas - 90, Nays - 8, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hiné, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Ballard, Casada, Franklin, Johnson P., Morton, Nealey, Van Luven, Wang - 08.

House Bill No. 1408, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1664, by Representatives Belcher, Brumsickle, Ferguson, Fraser, Scott, G. Fisher, Cole, R. Johnson, Mielke, Bowman, Winsley and Anderson

Clarifying educational requirements regarding sign language.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1664, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Brough - 01.

House Bill No. 1664, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1762, by Representatives Brough, Peery, Vance, Betrozoff, Brumsickle, Broback, Holland, P. Johnson, Dorn, Rasmussen, H. Sommers, Van Luven, Morton, Winsley, Jacobsen, Wineberry, Spanel, Tate, Miller, Bowman, Forner and D. Sommers

Allowing eleventh and twelfth grade students to take courses at institutions of higher education for high school credit.

The bill was read the second time. On motion of Mr. G. Fisher, Substitute House Bill No. 1762 was substituted for House Bill No. 1762, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1762 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1762, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen,

Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1762, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) called on Representative Appelwick to preside.

HOUSE BILL NO. 1928, by Representatives G. Fisher, Zellinsky, Brough, Haugen, Ferguson, Hine and Horn

Defining the authority of port districts to charge fees.

The bill was read the second time.

The Clerk read the following amendments by Representative G. Fisher:

On page 1, line 7, after "district" insert "with a population of over five hundred thousand"

On page 2, line 3, after "district" insert "with a population of over five hundred thousand"

With consent of the House, Representative G. Fisher withdrew the amendments.

The Clerk read the following amendment by Representatives Haugen, G. Fisher and Ferguson:

On page 1, line 11, strike "does not apply" and insert "applies"

With consent of the House, Representative Haugen withdrew the amendment.

Mr. G. Fisher moved adoption of the following amendment by Representatives G. Fisher, Haugen and Ferguson:

On page 2, line 1, strike all of section 2 and renumber the remaining section consecutively.

Representatives G. Fisher and Ferguson spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives G. Fisher, Haugen and Ferguson was adopted:

On page 1, beginning on line 2 of the title, after "14.08 RCW;" strike "adding a new section to chapter 53.08 RCW;"

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

Representatives G. Fisher and Ferguson spoke in favor of passage of the bill.

The Speaker (Mr. Appelwick presiding) called on Representative R. Meyers to preside.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1928, and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., King, R., Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Silver, Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Braddock, Chandler, Fuhrman, Hargrove, Johnson R., Jones, Kremen, Locke, Moyer, Nealey, Prince, Sheldon, Sommers, D. - 13.

Engrossed House Bill No. 1928, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1936, by Representatives Dorn, Ferguson, Jacobsen, Orr, Grant, Roland, Rasmussen, Winsley, Broback and Rayburn

Allowing high school graduation requirements to satisfy coursework requirements for undergraduate admissions.

The bill was read the second time. On motion of Mr. Jacobsen, Substitute House Bill No. 1936 was substituted for House Bill No. 1936, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1936 was read the second time.

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

Representatives Dorn and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1936, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1936, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1941, by Representatives Bowman, Leonard, Moyer, Winsley, Paris and Mitchell

Directing the department of social and health services to seek a federal waiver that would allow certain public assistance recipients to retain internship income.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1941, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1941, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2027, by Representatives Ballard, Jacobsen, Bowman, Vance, Tate, Brough, Paris, Ferguson, Casada, Chandler, Forner, Moyer, Fuhrman, Holland, Wynne, May, Mitchell, P. Johnson, Betrozoff and Miller

Providing for refund of or credit toward new enrollment for higher education costs for students deployed because of the Gulf war.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Higher Education as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Spanel, Substitute House Bill No. 2027 was substituted for House Bill No. 2027, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2027 was read the second time.

Ms. Spanel moved adoption of the committee amendments by Committee on Appropriations and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the committee amendments to the title were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2027, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers,

H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2027, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease.
The Speaker called the House to order.

MOTION

Mr. Ebersole moved that the House immediately resume consideration of Substitute House Bill No. 1490 on the regular second reading calendar. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1490, by House Committee on Local Government (originally sponsored by Representatives R. Johnson, Haugen, Roland, Kremen, Rayburn, Spanel, Rust, Braddock, Scott and Paris)

Changing provisions relating to flood control management.

MOTION FOR RECONSIDERATION

Mr. Appelwick, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the amendment on page 4, after line 2, by Representatives Wynne and R. Johnson to the committee amendment to Substitute House Bill No. 1490 was adopted.

Ms. Miller demanded an electric roll call vote, and the demand was sustained.

Representatives Miller and Wynne spoke against the motion, and Mr. Ebersole spoke in favor of it.

ROLL CALL

The Clerk called the roll on the motion by Mr. Appelwick to reconsider the vote by which the amendment on page 4, after line 2, by Representatives Wynne and R. Johnson to the committee amendment to Substitute House Bill No. 1490 was adopted, and the motion was carried by the following vote: Yeas - 55, Nays - 43, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 55.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Brekke, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Haugen, Hochstatter, Holland, Horn, Johnson P., Johnson R., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 43.

RECONSIDERATION

The Speaker stated the question before the House to be reconsideration of the vote by which the amendment on page 4, after line 2, by Representatives Wynne and R. Johnson to the committee amendment to Substitute House Bill No. 1490 was adopted.

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

Ms. Miller demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on reconsideration of adoption of the amendment on page 4, after line 2, by Representatives Wynne and R. Johnson to the committee amendment to Substitute House Bill No. 1490, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 51, Absent - 1, Excused - 0.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Johnson R., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Riley, Roland, Schmidt, Silver, Sommers, D., Spanel, Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 46.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Rust, Scott, Sheldon, Sommers, H., Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 51.

Absent: Representative Brekke - 01.

MOTION

On motion of Mr. Wineberry, Representative Brekke was excused.

The committee amendment by Committee on Appropriations was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1490, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brekke - 01.

Engrossed Substitute House Bill No. 1490, having received the constitutional majority, was declared passed.

MOTION

On motion of Ms. Bowman, Representative Silver was excused.

HOUSE BILL NO. 1028, by Representatives Pruitt, Horn, Rust, Heavey, Anderson, Wineberry, Phillips, Wang, Sprenkle, Jones, Prentice, Fraser, Nelson, G. Fisher, Jacobsen, R. Fisher, Valle, Roland, Hine and Brekke; by request of Governor Gardner

Making major changes to air quality laws.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Environmental Affairs as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Rust, Substitute House Bill No. 1028 was substituted for House Bill No. 1028, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1028 was read the second time.

Mr. Wang moved adoption of the committee amendment by Committee on Revenue.

Mr. Fuhrman moved adoption of the following amendment by Representatives Fuhrman and Horn to the committee amendment:

On page 1, after line 14, strike lines 15 through 17

Mr. Fuhrman spoke in favor of adoption of the amendment to the committee amendment, and Representatives Pruitt and Horn spoke against it. The amendment to the committee amendment was not adopted.

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

On page 8, line 26 of the striking amendment, after "than" strike "four hundred"

On page 8, line 27, after "on a" strike all material through "~~year~~)" and insert "1980 or earlier model year motor vehicle or expends more than one hundred fifty dollars on a 1981 or later model year"

Representatives Heavey and D. Sommers spoke in favor of adoption of the amendments to the committee amendment, and Mr. Pruitt spoke against them. The amendments to the committee amendment were adopted.

Mr. Pruitt moved adoption of the following amendments by Representatives Pruitt and Horn to the committee amendment:

On page 16, line 5 of the striking amendment, after "charge." delete all material through "reimbursement." on line 11

On page 17, line 3, after "chapter 70.120 RCW" strike all material through "payment" on line 4

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

Mr. Pruitt moved adoption of the following amendment by Representatives Pruitt and Horn to the committee amendment:

On page 18, after line 20 of the striking amendment, insert

"NEW SECTION. Sec. 210. A new section is added to chapter 70.120 RCW to read as follows: (1) Motor vehicle dealers shall include a notice in each vehicle purchase order form that reads as follows: "The owner of a vehicle may be required to spend up to \$450 for repairs if the vehicle does not meet the vehicle emission standards under this chapter. Unless expressly warranted by the motor vehicle dealer, the dealer is not warranting that this vehicle will pass any emission tests required by federal or state law."

(2) A vehicle purchaser's signature on the notice required under subsection (1) this section shall constitute a valid disclaimer of any implied warranty as to a vehicle's compliance with any emission standards.

(3) This section shall apply to all motor vehicle dealers located in counties where ambient air quality standards for carbon monoxide and ozone are being exceeded."

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

Mr. Phillips moved adoption of the following amendment by Representatives Phillips, Horn and Pruitt to the committee amendment:

On page 19, line 6 of the striking amendment, after "vehicles." strike all material through "class." on line 8

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

Mr. Phillips moved adoption of the following amendment by Representatives Phillips, Horn and Pruitt to the committee amendment:

On page 19, line 16 of the striking amendment, after "section" insert ", except that such vehicles shall be considered equivalent to vehicles designed to operate exclusively on clean-fuel in the event that vehicles designed to operate exclusively on clean-fuels are not available"

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

Mr. Horn moved adoption of the following amendments by Representatives Horn and Wang to the committee amendment:

On page 36, after line 26 of the amendment, strike all material through line 12, page 40

Renumber the sections consecutively and correct any internal references accordingly.

On page 40, line 28, after "be" strike "two dollars and fifty cents." and insert "four dollars and twenty-five cents. Effective with July 1994 motor vehicle registration expirations, the annual amount of additional excise tax shall be four dollars."

On page 41, line 1 of the amendment, after "(4)" strike all material through "(5)" on line 26, page 42

On page 42, line 28 of the amendment, strike "(6)" and insert "(5)"

On page 44, line 13 of the amendment, after "excise" strike "taxes" and insert "tax"

On page 44, line 14 of the amendment, after "(3)" strike "and (4)"

On page 44, line 27 of the amendment, after "(3)" strike "and (4)"

On page 51, after line 12 of the amendment, strike all material through "state." on line 15, and insert "Effective with October 1992 motor vehicle registration expirations, an additional annual clean air and water excise tax of four dollars and twenty-five cents is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. Effective with July 1994 motor vehicle registration expirations, the annual amount of additional excise tax shall be four dollars."

On page 52, line 19 of the amendment, after "(1)" strike "(a)"

On page 52, line 26 of the amendment, strike "(b)" and insert "(2)"

On page 53, line 6 of the amendment, strike "(i)" and insert "(a)"

On page 53, line 8 of the amendment, strike "(ii)" and insert "(b)"

On page 53, line 10 of the amendment, strike "(iii)" and insert "(c)"

On page 53, line 13 of the amendment, strike "(c)" and insert "(3)"

On page 53, after line 22 of the amendment, strike all material through "account." on line 26

Representatives Horn, Wang and D. Sommers spoke in favor of adoption of the amendments to the committee amendment.

Mr. Tate demanded an electric roll call vote, and the demand was not sustained.

The amendments to the committee amendment were adopted.

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

On page 36, after line 26 of the amendment, strike all material through line 12, page 40

Renumber the sections consecutively and correct any internal references accordingly.

On page 40, line 28 of the amendment, after "two dollars" strike "and fifty cents"

On page 41, line 1 of the amendment, after "(4)" strike all material through "(5)" on line 26, page 42

On page 42, line 28 of the amendment, strike "(6)" and insert "(5)"

On page 44, line 13 of the amendment, after "excise" strike "taxes" and insert "tax"

On page 44, line 14 of the amendment, after "(3)" strike "and (4)"

On page 44, line 27 of the amendment, after "(3)" strike "and (4)"

On page 51, line 14 of the amendment, strike "and fifty cents"

Representatives Horn, May and Holland spoke in favor of adoption of the amendments to the committee amendment, and Representatives Rust and Heavey spoke against them.

The Speaker called on Representative Spanel to preside.

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

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 36, 41, 44 and 51 by Representative Horn to the committee amendment to Substitute House Bill No. 1028, and the amendments were not adopted by the following vote: Yeas - 45, Nays - 51, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Beck, Betzoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Dorn, Edmondson, Ferguson, Forner, Fuhrman, Grant, Hargrove, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Schmidt, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 45.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Cantwell, Cole, Cooper, Day, Dellwo, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 51.

Excused: Representatives Brekke, Silver - 02.

Mr. Van Luven moved adoption of the following amendment by Representatives Van Luven, Horn and Edmondson to the committee amendment:

On page 54, beginning on line 1 of the striking amendment, strike all material through "standards." on line 9, and insert "(1) It is the intent of the legislature that the state take advantage of the best emission control systems available on new motor vehicles. The department shall conduct a study to determine if requiring new gasoline or diesel-powered vehicles sold in the state to meet California vehicle emission standards will provide a significant benefit to attaining federal air quality standards.

(2) The department shall report the findings of its study to the appropriate standing committees of the legislature. The department shall include in its report a recommendation on whether or not California emission standards should be adopted. The department shall not pursue adopt of California vehicle emission standards until directed, by the legislature, to do so.

(3) In the event that California vehicle emission standards are adopted, the department shall not include a program for in-use testing and recall of vehicles required to meet California emission standards"

Mr. Van Luven spoke in favor of adoption of the amendment to the committee amendment, and Mr. Pruitt spoke against it.

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

Representatives Edmondson and Horn spoke in favor of the amendment to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 54, beginning on line 1, by Representative Van Luven and others to the committee amendment to Substitute House Bill No. 1028, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 49, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Basich, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Grant, Hargrove, Heavey, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Prince, Schmidt, Sheldon, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 47.

Voting nay: Representatives Anderson, Appelwick, Belcher, Braddock, Bray, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Haugen, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Myers, H., Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 49.

Excused: Representatives Brekke, Silver - 02.

The Speaker resumed the Chair.

Mr. Horn moved adoption of the following amendments by Representatives Horn and Pruitt to the committee amendment:

On page 56, beginning on line 7 of the striking amendment, strike all material through "permit." on line 22

On page 58, line 19 of the striking amendment, after "exceeded" strike all material through "standards" on line 20

On page 58, beginning on line 24 of the striking amendment, "Except as otherwise provided in section 709 of this act,

On page 58, line 25, after "sources" strike all material through "exceeded" on line 26

On page 58, beginning on line 27 of the striking amendment, delete all material through "exceeded." on line 29

On page 110, after line 9 of the striking amendment, insert "(9) The department shall establish rules requiring sources or source categories to apply reasonable and available control methods. Such rules shall apply to those sources or source categories that individually or collectively contribute the majority of statewide air emissions of each regulated pollutant. The department shall review, and if necessary, update its rules every five years to ensure consistency with current reasonable and available control methods. The department shall have adopted rules required under this subsection for all sources by July 1, 1996.

For the purposes of this section, "reasonable and available control methods" shall include but not be limited to, changes in technology, processes, or other control strategies."

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

Mr. Pruitt moved adoption of the following amendments by Representatives Pruitt and Horn to the committee amendment:

On page 57, line 25 of the striking amendment, after "establishing" strike "content and minimum requirements for" and insert "the elements for"

On page 58, line 3 of the striking amendment, after "authorities." insert "Rules developed under this subsection shall not preclude delegated local air authorities from requiring more stringent permit conditions or emission limits.

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

Mr. Pruitt moved adoption of the following amendments by Representatives Pruitt and Horn to the committee amendment:

On page 61, after line 24 of the striking amendment, insert "(c) The fees assessed to a source under subsection (a) of this section shall not exceed seventy-five thousand dollars per regulated pollutant per year.

On page 61, line 24, after "percent to" strike "delegated"

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

Mr. Pruitt moved adoption of the following amendment by Representatives Pruitt and Horn to the committee amendment:

On page 59, line 22 of the striking amendment, after "submitted." strike "Existing" and insert "Until permits are issued, existing"

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

Mr. Horn moved adoption of the following amendment by Representatives Horn and Pruitt to the committee amendment:

On page 66, beginning on line 7 of the striking amendment, strike all material through "70.94.431" on page 67, line 4, and insert "The department shall prepare recommendations to reduce air emissions for source categories not generally required to have a permit under section 301 of this act. Such recommendations shall not require any action by the owner or operator of a source and shall be consistent with rules adopted under chapter 70.95C RCW. The recommendations shall include but not be limited to: process changes, product substitution, equipment modifications, hazardous substance use reduction, recycling, and energy efficiency"

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

Mr. Pruitt moved adoption of the following amendments by Representatives Pruitt and Horn to the committee amendment:

On page 75, line 2 of the striking amendment, after "harm" strike all material through "dollars,"

On page 77, line 12 of the striking amendment, after "persons" strike "found" and insert "knowingly"

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

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove, R. Meyers and Van Luvan to the committee amendment:

Beginning on page 91, line 13 of the amendment, strike all of sections 501 and 502 and insert the following:

Sec. 501. RCW 70.94.457 and 1987 c 405 s 4 are each amended to read as follows:

~~((Before January 1, 1988,))~~ The department of ecology shall establish by rule under chapter 34.05 RCW:

(1) State-wide emission performance standards for new wood stoves. Notwithstanding any other provision of this chapter which allows an authority to adopt more stringent emission standards, no authority shall adopt any emission standard for new wood stoves other than the state-wide standard adopted by the department under this section.

~~(a) ((For new wood stoves sold after July 1, 1988, the state wide performance standard, by rule, shall be the equivalent of and consistent with state wide emission standards in effect in bordering states on or before January 1, 1987. For solid fuel burning devices for which bordering states have not established emission standards, the department may temporarily exempt or establish, by rule, state wide standards including emission levels and test procedures for such devices and such emission levels and test procedures shall be equivalent to emission levels per pound per hour burned for other new wood stoves regulated by this subsection))~~

After January 1, 1993, no fireplace, except masonry fireplaces, shall be offered for sale unless such fireplace meets the 1988 United States environmental protection agency standards for wood stoves.

(b) After January 1, 1995, no fireplace, except masonry fireplaces, shall be offered for sale unless such fireplace meets the 1990 United States environmental protection agency standards for wood stoves.

(c) Subsection (1)(a) of this section shall not apply to fireplaces.

~~((b))~~ (d) Notwithstanding (a) of this subsection, the department is authorized to adopt, by rule, emission standards adopted by the United States environmental protection agency for new wood stoves sold at retail. For solid fuel burning devices for which the United States environmental protection agency has not established emission standards, the department may ~~((temporarily))~~ exempt or establish, by rule, state-wide standards including emission levels and test procedures for such devices and such emission levels and test procedures shall be equivalent to emission levels per pound per hour burned for other new wood stoves and fireplaces regulated under this subsection.

(2) A program to:

(a) Determine whether a new ~~((wood stove))~~ solid fuel burning device complies with the state-wide emission performance standards established in subsection (1) of this section; and

(b) Approve the sale of ~~((stoves))~~ devices that comply with the state-wide emission performance standards.

Sec. 502. RCW 70.94.470 and 1987 c 405 s 5 are each amended to read as follows:

~~(1) ((Before January 1, 1988,))~~ The department shall establish, by rule under chapter 34.05 RCW, ~~((state wide opacity levels for residential solid fuel burning devices as follows:~~

~~(a) A state wide opacity level of twenty percent for the purpose of public education;~~

~~(b) Until July 1, 1990, a state wide opacity level of forty percent for the purpose of enforcement on a complaint basis; and~~

~~(c) After July 1, 1990, a) (a) state-wide opacity level of twenty percent for residential solid fuel burning devices for the purpose of enforcement on a complaint basis and (b) after July 1, 1995, a state-wide opacity of twenty percent for purposes of enforcement on a complaint basis.~~

(2) Notwithstanding any other provision of this chapter which may, allow an authority to adopt a more stringent opacity level, no authority shall adopt or enforce an opacity level(~~(:~~

~~(a) Lower than forty percent until July 1, 1990; and~~

~~(b) Lower than twenty percent after July 1, 1990))~~ for solid fuel burning devices other than established in this section.

Representatives Hargrove and Van Luven spoke in favor of adoption of the amendment to the committee amendment, and Representatives Pruitt, Cooper and Horn spoke against it. The amendment to the committee amendment was not adopted.

Mr. Cooper moved adoption of the following amendments by Representatives Cooper and Horn to the committee amendment:

On page 91, line 17 of the striking amendment, after "new" strike "wood stoves" and insert "~~((wood stoves))~~ solid fuel burning devices"

On page 91, line 20 of the striking amendment, after "new" strike "wood stoves" and insert "~~((wood stoves))~~ solid fuel burning devices"

On page 92, after line 12 of the striking amendment, strike all material through "January 1, 1995" on line 16, and insert "(c) After January 1, 1997,"

Correct internal references accordingly.

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

Mr. Cooper moved adoption of the following amendments by Representatives Cooper, Edmondson and Horn to the committee amendment:

On page 92, line 3 of the striking amendment, after "After" strike "January 1, 1993" and insert "January 1, 1995"

On page 92, line 7, after "hour." insert "The appropriate standing committees of the legislature shall review the standard under (a) of this subsection during the regular session beginning in January 1998."

On page 92, beginning on line 8 of the striking amendment, strike all material through "hour." on line 12.

Correct internal references accordingly.

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

Mr. Pruitt moved adoption of the following amendments by Representatives Pruitt and Horn to the committee amendment:

On page 93, line 16 of the striking amendment, after "(a)" insert "a"

On page 93, line 18, after "(b) purposes of" strike "after July 1, 1995."

On page 93, line 19, after "purposes of" strike all material through "basis" on line 20 and insert "public education"

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

Mr Pruitt moved adoption of the following amendments by Representatives Pruitt, Horn and R. Meyers to the committee amendment:

On page 95, line 9 of the striking amendment, after "device" strike all material through "RCW 70.94.457," on line 10 and insert "~~((including those which meet the standards set forth in RCW 70.94.457 RCW))~~"

On page 95, line 16, after "average." insert "This subsection shall not apply to non-catalytic wood stoves emitting two and one-half grams or less of particulate air contaminants or to catalytic wood stoves emitting one and four-tenths grams or less of particulate air contaminants if such wood stoves are operated in the unincorporated area of a county that has not been designated as an urban growth area under chapter 36.70A RCW."

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

Ms. Edmondson moved adoption of the following amendments to the committee amendment:

On page 96, line 11 of the striking amendment, after "fee" strike "~~((not to exceed fifteen))~~ of thirty" and insert ", not to exceed fifteen"

On page 96, line 16, after "above" strike "~~((fifteen))~~ thirty" and insert "fifteen"

Ms. Edmondson spoke in favor of adoption of the amendments to the committee amendment, and Representatives Pruitt and Horn spoke against them. The amendments to the committee amendment were not adopted.

Mr. Pruitt moved adoption of the following amendment by Representatives Pruitt, Edmondson, Horn and Cooper to the committee amendment:

On page 99, after line 2 of the striking amendment, insert:

"NEW SECTION. Sec. 508 A new section is added to 70.94 RCW to read as follows:

(1) A task force is established for the purposes of recommending programs to:

(a) encourage persons with wood stoves not meeting the requirements of chapter 70.94.457 RCW or U.S. environmental protection agency certificate requirements to remove such wood stoves and install a less polluting source of heat; and

(b) educate the public on wood stove emissions and methods to reduce such emissions.

(2) The task force shall be appointed by the speaker of house of representatives and the president of the senate and shall consist of:

(a) two members from the house committee on environmental affairs;

(b) two members from the senate committee on environment and natural resources; and

(c) two members from the house committee on energy and utilities; and

(d) two members from the senate committee on energy and utilities.

(3) In developing recommendations, the task force shall consult with representatives from the departments of ecology, local air authorities, wood stove dealers, wood stove manufacturers, public and investor owned utilities, citizen organizations, environmental organizations, and public health organizations.

(4) By November 1, 1991, the task force shall report to the appropriate standing committees of the legislature. The report shall recommend methods to:

(a) use public and private funds to provide credit toward purchasing old wood stoves not certified under RCW 70.94.457;

(b) use public and private funds to implement public education programs designed to reduce emissions from wood stoves; and

(c) prevent fraud or abuse of the programs developed under this section."

(5) The task force created in subsection (1) of this section shall terminate on July 1, 1995.

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

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

On page 116, line 13 of the amendment, strike section 716

ReNUMBER sections consecutively and correct any internal references accordingly.

Mr. Horn spoke in favor of adoption of the amendment to the committee amendment, and Representatives Rust and D. Sommers spoke against it. The amendment to the committee amendment was not adopted.

The Speaker called on Representative R. Meyers to preside.

Mr. Pruitt moved adoption of the following amendment by Representatives Pruitt and Horn to the committee amendment:

On page 117, line 7 of the amendment, strike "and 245"

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

Mr. Pruitt moved adoption of the following amendment by Representatives Pruitt and Horn to the committee amendment:

On page 118, after line 4 of the striking amendment, insert
"NEW SECTION. Sec. 720. A new section is added to chapter 70.94 RCW to read as follows: This chapter shall be known and may be cited as the clean air Washington act."

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

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

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

On page 118, beginning on line 22 of the title amendment, strike "adding a new chapter to Title 82 RCW;"

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

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

The Speaker resumed the Chair.

POINT OF INQUIRY

Mr. Pruitt yielded to question by Mr. Horn.

Mr. Horn: Representative Pruitt, what is your understanding of the obligations of the Department of Ecology under Section 301(16) on page sixty-one of this bill?

Mr. Pruitt: Representative Horn, that is a very excellent question. Under this bill the Department is obligated to report to the appropriate standing committees recommendations on the manner in which air operating fees are to be set. The fee amount, however, does not require legislative action and will be set by the Department of Ecology and the delegated local air authorities through a public hearing rule making process.

Representatives Pruitt, Horn and Broback spoke in favor of passage of the bill, and Representatives Hargrove and Van Luven spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1028, and the bill passed the House by the following vote: Yeas - 65, Nays - 31, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Beck, Belcher, Braddock, Bray, Broback, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, May, Meyers, R., Mitchell, Moyer, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Winsley, Wood, and Mr. Speaker - 65.

Voting nay: Representatives Ballard, Basich, Betrozoff, Bowman, Brumsickle, Casada, Chandler, Edmondson, Fuhrman, Hargrove, Hochstatter, Johnson P., Kremen, Lisk, McLean, Mielke, Miller, Morris, Morton, Nealey, Neher, Padden, Prince, Rayburn, Schmidt, Tate, Vance, Van Luven, Wilson, Wynne, Zellinsky - 31.

Excused: Representatives Brekke, Silver - 02.

Engrossed Substitute House Bill No. 1028, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Monday, March 18, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 18, 1991

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Brekke, Locke, Silver and Wineberry. On motion of Ms. Cole, Representatives Locke and Wineberry were excused. On motion of Mr. Mielke, Representative Silver was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Eric Anderson and Erin Cusick. Prayer was offered by The Reverend Ben Harding, Minister of the United Churches of Olympia.

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

MESSAGE FROM THE SENATE

March 15, 1991

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5010,
 SUBSTITUTE SENATE BILL NO. 5110,
 SECOND SUBSTITUTE SENATE BILL NO. 5127,
 ENGROSSED SENATE BILL NO. 5364,
 SENATE BILL NO. 5474,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5494,
 SUBSTITUTE SENATE BILL NO. 5501,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5526,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5552,
 SENATE BILL NO. 5558,
 SUBSTITUTE SENATE BILL NO. 5583,
 SUBSTITUTE SENATE BILL NO. 5639,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5727,
 SENATE BILL NO. 5778,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5812,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5825,
 SENATE BILL NO. 5845,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5864,
SUBSTITUTE SENATE BILL NO. 5928,
and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

INTRODUCTIONS AND FIRST READING

SSB 5010 by Senate Committee on Ways & Means (originally sponsored by Senators Moore, West and Conner)

Including occupational therapy coverage in the department of social and health services limited casualty program.

Referred to Committees on Health Care/Appropriations.

SSB 5110 by Senate Committee on Ways & Means (originally sponsored by Senators Bluechel, Bauer, McDonald, McMullen, Cantu, Gaspard, Bailey, Craswell, Wojahn, Sutherland, Vognild, Rasmussen, Johnson, Conner, Snyder, A. Smith, Talmadge, L. Smith, Madsen, Stratton, Murray, Rinehart, Pelz, Oke, Erwin, McCaslin and Skratek)

Expanding real property tax exemptions for senior citizens and certain retired persons.

Referred to Committee on Revenue.

2SSB 5127 by Senate Committee on Ways & Means (originally sponsored by Senators Craswell, Bailey, Vognild, Erwin, L. Smith, Stratton, Matson, Conner and Roach)

Establishing citizen review boards.

Referred to Committees on Human Services/Appropriations.

ESB 5364 by Senators Roach, McCaslin and Stratton

Authorizing the state board of education to review public school siting decisions.

Referred to Committee on Local Government.

SB 5474 by Senators Rinehart, Bailey, Murray, West and Bauer

Planning a data collection and reporting system on children.

Referred to Committees on Education/Appropriations.

ESSB 5494 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Pelz, Johnson, Owen, Thorsness, Vognild, Sellar and Moore)

Changing remedies for collection of debts.

Referred to Committee on Judiciary.

SSB 5501 by Senate Committee on Environment & Natural Resources (originally sponsored by Senators Owen, Sutherland, L. Smith, Vognild, Amondson and Bauer)

Concerning license renewal for commercial salmon fishers.

Referred to Committee on Fisheries & Wildlife.

ESSB 5526 by Senate Committee on Commerce & Labor (originally sponsored by Senators Bauer, Newhouse, Moore, Nelson and Johnson)

Governing employee noncompetition clauses.

Referred to Committee on Commerce & Labor.

ESSB 5552 by Senate Committee on Energy & Utilities (originally sponsored by Senators Barr, Madsen and Williams; by request of Department of Health)

Requiring certification of water systems operators.

Referred to Committee on Environmental Affairs.

SB 5558 by Senators Sellar, Owen, Matson and Wojahn

Providing for the adoption and enforcement of child labor regulations.

Referred to Committee on Commerce & Labor.

SSB 5583 by Senate Committee on Commerce & Labor (originally sponsored by Senators Anderson, McMullen, Moore, L. Smith and Oke; by request of Department of Trade and Economic Development)

Pertaining to the child care facility fund.

Referred to Committee on Trade & Economic Development.

SSB 5639 by Senate Committee on Ways & Means (originally sponsored by Senators Cantu, Snyder, Anderson, Bluechel, Madsen, Barr, Sutherland, Johnson, Bauer, Bailey, Roach, A. Smith, Thorsness and Conner)

Creating the Pacific Northwest export assistance project.

Referred to Committees on Trade & Economic Development/
Appropriations.

ESSB 5727 by Senate Committee on Governmental Operations (originally sponsored by Senators Amondson, Vognild, Owen, Stratton, McCaslin, West and Johnson)

Altering interim zoning by permit-granting agencies.

Referred to Committee on Local Government.

SB 5778 by Senators Newhouse and Hansen

Requiring persons filing reports of pesticide damage to cooperate with the department of agriculture.

Referred to Committee on Agriculture & Rural Development.

ESSB 5812 by Senate Committee on Ways & Means (originally sponsored by Senators Williams and Wojahn)

Deferring interest and penalties on certain delinquent property taxes.

Referred to Committee on Revenue.

ESSB 5825 by Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Madsen, Thorsness, Erwin, Rasmussen, Oke and L. Kreidler; by request of Department of Corrections)

Restricting offenders' possession of firearms.

Referred to Committee on Human Services.

SB 5845 by Senators McDonald, Gaspard, Hayner, Wojahn, Oke, Metcalf, Thorsness, L. Smith, A. Smith and Bauer

Taxing adult entertainment materials and services and dedicating the revenues to crime victims compensation.

Referred to Committee on Revenue.

ESSB 5864 by Senate Committee on Governmental Operations (originally sponsored by Senators L. Smith, Hayner, Thorsness, Roach, Metcalf, Saling, West, von Reichbauer, Oke, Sellar, Matson, Amondson, McCaslin, Cantu, Johnson, Erwin, Rasmussen, Anderson, Craswell, Nelson, Patterson, Barr and McDonald)

Regulating political contributions and advertising.

Referred to Committee on State Government.

SSB 5928 by Senate Committee on Ways & Means (originally sponsored by Senators Sellar, Anderson, Amondson, McDonald, Craswell, Oke, Bailey, Nelson, Hayner, L. Smith, Saling, Patterson, McCaslin and Johnson)

Prohibiting interest and penalties on delinquent 1991 taxes on personal residences owned by military personnel.

Referred to Committee on Revenue.

MOTION

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

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

RESOLUTION

HOUSE RESOLUTION NO. 91-4644, by Representatives Zellinsky, Schmidt, Sheldon, P. Johnson, R. Meyers and Pruitt

WHEREAS, The New York-based Money magazine last fall recognized Bremerton as the most liveable community in the United States of America, a fact that many of us already knew; and

WHEREAS, Money magazine refers to Bremerton as "a medium-size, safe, environmentally clean place, with a rebounding economy, located an hour or less from a large, vibrant U.S. City"; and

WHEREAS, Bremerton is well-known for its natural beauty, clean air, blue water, and ready access to the Olympic Mountains, making it an ideal location for boaters, cyclists, clam diggers, campers, hikers, swimmers, joggers, and sporting enthusiasts; and

WHEREAS, Bremerton is proud of its rich heritage of support for the United States Navy. Home of the Puget Sound Naval Shipyard for one hundred years, Bremerton is host to a high tech shipyard capable of servicing all manner of naval vessels including the largest nuclear aircraft carriers; and

WHEREAS, The downtown Bremerton waterfront is fast becoming a major tourist attraction. The public fishing and recreational pier is already in place, while a two-block boardwalk along the water edge, the Puget Sound Naval Shipyard Centennial Plaza, a fifty-slip moorage, and public tours of the retired naval destroyer U.S.S. Turner Joy are just around the corner; and

WHEREAS, Bremerton is proud of its strong school system, including the Bremerton School District, which recently opened a new, modern high school with a one thousand two hundred seat performing arts center, and Olympic College, which provides a wide array of vocational and traditional courses for six thousand five hundred students, and a strong apprentice school at Puget Sound Naval Shipyard; and

WHEREAS, There are many cultural offerings available for Bremerton residents, including the Bremerton Symphony, the Bremerton Community Theater, Central Stage Presentations, and the Bremerton Performing Arts Center. Furthermore, a three million two hundred thousand dollar renovation of the Admiral Theater, a World War II-era movie house, is underway; and

WHEREAS, Bremerton residents celebrate their great community, especially during the Armed Forces Festival, culminating with the Armed Forces Parade on May 18, 1991, and the Bremerton Blackberry Festival on Labor Day weekend, providing fun and entertainment for the whole family;

NOW, THEREFORE, BE IT RESOLVED, That the Legislature recognize that Bremerton is indeed the number one city in our great nation, and deems it appropriate that the residents of Bremerton be so honored accordingly; and

BE IT FURTHER RESOLVED, That the Legislature offer its congratulations and transmit copies of this resolution to the Honorable Louis Mentor, Mayor of Bremerton, and the Honorable Bremerton City Council Members Al Colvin, Morrie Dawkins, Hank Waibel, Lon Overson, Wayne Estes, Lynn Horton, C.R. "Tiny" Collins, Spencer Horning, and Russ Johnson; and

BE IT FURTHER RESOLVED, That residents of the eastern shore of the Puget Sound who are interested in a new place to live will find affordable housing and business sites, beautiful surroundings, and a warm welcome in Bremerton.

Mr. Zellinsky moved adoption of the resolution. Representatives Zellinsky, Schmidt and P. Johnson spoke in favor of the resolution.

House Resolution No. 91-4644 was adopted.

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

SECOND READING

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that the House would begin consideration of House Bills on the suspension calendar.

HOUSE BILL NO. 1651, by Representatives Franklin, Edmondson, Haugen, Ferguson, Valle and Wood

Providing for public hospital district chaplains.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1651.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1651, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Wang - 01.

Absent: Representative Brekke - 01.

Excused: Representatives Locke, Silver, Wineberry - 03.

Substitute House Bill No. 1651, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1681, by Representatives Cooper, Ferguson, Haugen, Horn and R. Meyers

Revising bidding practices for municipalities.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1681.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1681, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Locke, Silver, Wineberry - 03.

Substitute House Bill No. 1681, having received the constitutional majority, was declared passed.

Representative Brekke appeared at the bar of the House.

HOUSE BILL NO. 1703, by Representatives Cooper, Betzoff and R. Johnson; by request of Department of Licensing

Revising regulation of vehicle and vessel licensing and registration.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1703.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1703, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson,

Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Locke, Silver, Wineberry - 03.

Substitute House Bill No. 1703, having received the constitutional majority, was declared passed.

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

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

Representatives Locke, Silver and Wineberry appeared at the bar of the House.

HOUSE BILL NO. 1736, by Representatives O'Brien, Fuhrman and R. King

Establishing a system for payment for works of improvement on real property.

The bill was read the second time.

Mr. Heavey moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1736.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1736, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1736, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1757, by Representatives Ferguson, Van Luven, Heavey, D. Sommers, Dorn, Miller, R. Meyers, Paris, Hargrove, Silver, Prentice, Moyer, Betrozoff, Winsley, Horn, Chandler, Tate, Vance, Nealey, Edmondson, Fuhrman, Broback, Wynne, Ballard, Hochstatter, Jacobsen, Wineberry, Roland, Bowman, Brough and Forner

Changing "driving while intoxicated" to "driving while under the influence of intoxicating liquor or any drug."

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 1757.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1757, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1757, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1760, by Representatives Van Luven, Haugen, Edmondson, Nelson, Wynne, Nealey, Zellinsky and Franklin

Providing a procedure for consolidating cities or towns.

The bill was read the second time.

Mr. Heavey moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 1760.

Mr. Van Luven spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1760, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1760, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1771, by Representatives Rasmussen, R. Fisher, Dorn, Brumsickle, Betrozoff, Basich, Cantwell, Fraser, R. Meyers, Belcher and Ebersole

Changing transportation authority of first class cities.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1771.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1771, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1771, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1782, by sponsored by Representative Appelwick

Affecting county court commissioners.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1782.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1782, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1782, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1821, by Representatives R. Meyers, Ferguson, Schmidt, Zellinsky, Sheldon, Winsley, D. Sommers, Bowman, Paris, Miller, Riley, R. Johnson, Brough, Silver, Roland, Cooper, Horn, Chandler and Moyer

Making the fraudulent installation of fire protection sprinkler systems a felony.

The bill was read the second time.

Mr. Ludwig moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1821.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1821, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1821, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1825, by Representative Appelwick

Altering mandatory arbitration provisions.

The bill was read the second time.

Mr. Ludwig moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1825.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1825, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1825, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1827, by Representative Haugen

Limiting the time for actions to be brought challenging elections.

The bill was read the second time.

Ms. Haugen moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1827.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1827, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R.,

Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1827, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1830, by Representatives H. Myers, Riley, Padden, Appelwick, Cooper, Winsley, D. Sommers, Bowman, Paris, Miller, R. Johnson, Brough, Silver, Forner, Ebersole, Fuhrman, Rasmussen, Brumsickle and Moyer

Clarifying that provisions relating to admissibility of children's statements apply to juvenile proceedings.

The bill was read the second time.

Mr. Ludwig moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1830.

Ms. H. Myers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1830, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1830, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1861, by Representatives Morris, Moyer, Edmondson, Braddock, Sprenkle and Paris

Making changes to the osteopathic medicine and surgery statutes.

The bill was read the second time.

Mr. Braddock moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1861.

Representatives Braddock and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1861, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1861, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1910, by Representatives Dellwo, R. Johnson, Paris, Inslee, Brough, Winsley, Wood, Van Luven and Moyer; by request of Insurance Commissioner

Making medicare supplemental insurance conform to federal law.

The bill was read the second time.

Mr. Zellinsky moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 1910.

POINT OF INQUIRY

Mr. Zellinsky yielded to question by Mr. R. Johnson.

Mr. R. Johnson: Is it your understanding of this measure, House Bill No. 1910, that the commissioner is allowed to adopt rules bringing Washington into conformity with federal laws for medicare supplement insurance policies?

Mr. Zellinsky: Yes. This bill will ensure that the commissioner has the authority to adopt rules which will qualify Washington medicare supplement insurance policies for certification pursuant to the federal law, specifically 42. U.S.C. Sec. 1395ss, and federal regulations adopted thereunder. The bill does not in any way seek to restrict federal law. It does not grant the commissioner additional authority relative to medicare supplement insurance policies beyond that provided by federal law or existing state statutes. It does ensure that he or she can adopt rules which will satisfy federal requirements pertaining to medicare supplement insurance.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1910, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1910, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1934, by Representatives Van Luven, Heavey, D. Sommers, Kremen, Chandler, Horn, G. Fisher, Basich, Orr, Forner, Wood, Nelson, Prince, Schmidt, Wilson, Betrozoff, Cooper, Winsley, Paris, Ferguson, Brekke and Jacobsen

Clarifying laws relating to pedestrians in intersections.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1934.

Representatives Van Luven and Rust spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1934, and the bill passed the House by the following vote: Yeas - 76, Nays - 22, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, R., Forner, Franklin, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hochstatter, Holland, Horn, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Nelson, O'Brien, Orr, Padden, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Silver, Sommers, D., Spanel, Sprengle, Tate, Vance, Van Luven, Wang, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 76.

Voting nay: Representatives Anderson, Belcher, Brekke, Cole, Fisher, G., Fraser, Hine, Inslee, King, R., Leonard, Locke, Myers, H., Ogden, Paris, Peery, Phillips, Rust, Scott, Sheldon, Sommers, H., Valle, Wineberry - 22.

Substitute House Bill No. 1934, having received the constitutional majority, was declared passed.

The Speaker assumed the Chair.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1320 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1320, by Representatives R. Meyers, Dellwo, R. King, Inslee, Riley, Ludwig, Ebersole, Leonard, Wineberry and Wang

Requiring full disclosure of civil court proceedings relating to public hazards.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 1320 was substituted for House Bill No. 1320, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1320 was read the second time.

Ms. Forner moved adoption of the following amendment by Representatives Forner and Mielke:

On page 1, beginning on line 11, after "that" strike all material through "people" on page 2, line 2, and insert "previously has caused injury to another person or persons and presents a real and substantial potential for repetition of the harm inflicted"

Ms. Forner spoke in favor of adoption of the amendment, and Mr. Appelwick spoke against it.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 1, beginning on line 11, by Representatives Forner and Mielke to Substitute House Bill No. 1320, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 56, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Day, Edmondson, Ferguson, Forner, Haugen, Heavey, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Moyer, Nealey, Neher, O'Brien, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 42.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Fuhrman, Grant, Hargrove, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Morris, Morton, Myers, H., Nelson, Ogden, Orr, Padden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 56.

Mr. Appelwick moved adoption of the following amendment by Representatives Appelwick and Hargrove:

On page 1, beginning on line 12, after "(a)" strike everything through "presents" on page 1, line 13 and insert "Presents"

Reletter the remaining subsections consecutively and correct internal references accordingly

Mr. Appelwick spoke in favor of adoption of the amendment, and it was adopted.

Mr. Hargrove moved adoption of the following amendments by Representatives Hargrove and Appelwick:

On page 4, line 18, strike "a known" and insert "an instrumentality that the party knows or reasonably should have known is a"

On page 4, line 19, strike "a known" and insert "an instrumentality that the party knows or reasonably should have known is a"

Mr. Hargrove spoke in favor of adoption of the amendments, and they were adopted.

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

Representatives R. Meyers, Hargrove, Ebersole and Inslee spoke in favor of passage of the bill, and Representatives Moyer, Forner, Vance, Morton and Padden spoke against it.

MOTION

On motion of Ms. Cole, Representative Brekke was excused.

Representatives Mielke and Paris spoke against passage of the bill, and Representatives Appelwick and Wineberry spoke in favor of it. Mr. R. Meyers again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1320, and the bill passed the House by the following vote: Yeas - 51, Nays - 46, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Miller, Mitchell, Morris, Myers, H., Nelson, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, and Mr. Speaker - 51.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Day, Edmondson, Ferguson, Forner, Fuhrman, Haugen, Heavey, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Morton, Moyer, Nealey, Neher, O'Brien, Padden, Paris, Prince, Rayburn, Schmidt, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky - 46.

Excused: Representative Brekke - 01.

Engrossed Substitute House Bill No. 1320, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Ebersole, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. R. Meyers presiding) called the House to order at 2:00 p.m. The Clerk called the roll and all members were present except Representatives Locke and Valle.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1172, House Bill No. 1211, House Bill No. 1214, House Bill No. 1136 and House Bill No. 1206. The motion was carried.

HOUSE BILL NO. 1172, by Representatives Holland, Cole, Peery, Brumsickle, G. Fisher, Valle, Brough, Phillips, Rasmussen, Jones, Dorn, P. Johnson, Jacobsen, Winsley, R. King, Pruitt, H. Myers, Ogden, Wood, Vance, Sheldon, Day, Spanel, Leonard, Paris, Rust, Scott, Haugen, Mitchell, Hine, Cantwell, Wynne, Nealey, Miller, Bowman, Moyer, Fraser, O'Brien, Sprengle, Orr and Tate; by request of Task Force on Student Transportation Safety

Creating the school pathway and bus stop improvement program.

The bill was read the second time. Committee on Education recommendation: Majority, do pass substitute. Committee on Transportation recommendation: Majority, do pass substitute by Committee on Education as amended by Committee on Transportation. (For committee amendment, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. G. Fisher, Substitute House Bill No. 1172 was substituted for House Bill No. 1172, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1172 was read the second time.

Ms. Cantwell moved adoption of the committee amendment by Committee on Transportation. Ms. R. Fisher spoke in favor of adoption of the committee amendment, and it was adopted.

Mr. Holland moved adoption of the following amendment by Representatives Holland, Cole and Peery:

On page 3, after line 25, strike all material down to and including "improvements." on page 6, line 25.

Re-number remaining sections and correct internal references accordingly.

Mr. Holland spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Holland, Cole and Peery to the title was adopted:

On page 1, beginning on line 1 of the title, after "safety;" strike "amending RCW 58.17.110 and 82.02.090;"

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1172, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 2, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Locke, Valle - 02.

Engrossed Substitute House Bill No. 1172, having received the constitutional majority, was declared passed.

Representatives Locke and Valle appeared at the bar of the House.

HOUSE BILL NO. 1211, by Representatives Belcher, Hine, Silver, G. Fisher, Fraser, Winsley, Padden and Phillips

Revising retirement benefits.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Judiciary as amended by Committee on Appropriations. (For committee amendments, see Journal, 46th Day, February 28, 1991.)

On motion of Mr. Ludwig, Substitute House Bill No. 1211 was substituted for House Bill No. 1211, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1211 was read the second time.

On motion of Ms. Spanel, the committee amendment on page 34, after line 12, by Committee on Appropriations was adopted.

On motion of Ms. Spanel, the committee amendment on page 37, after line 30, by Committee on Appropriations was adopted.

On motion of Ms. Spanel, the committee amendment on page 39, after line 15, by Committee on Appropriations was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1211, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Beck, Fuhrman, Morton, Nealey, Silver - 05.

Engrossed Substitute House Bill No. 1211, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1214, by Representatives Anderson, Spanel, Fraser, R. Johnson and Riley

Providing for one hundred percent cash out for accumulated sick leave.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on State Government as amended by Committee on Appropriations. (For committee amendment, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Anderson, Substitute House Bill No. 1214 was substituted for House Bill No. 1214, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1214 was read the second time.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations and spoke in favor of it. The committee amendment was adopted.

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

Representatives Anderson, Silver and Neher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1214, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1214, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1136, by Representatives Haugen, O'Brien, Wilson, Wineberry, Spanel, Prince, Valle, H. Myers, Heavey, Scott, Cole, Zellinsky, Wood, Paris, Orr, Jacobsen, Leonard and May

Revising provisions regulating cosmetology.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Commerce & Labor as amended by Committee on Revenue. (For committee amendment, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Cole, Substitute House Bill No. 1136 was substituted for House Bill No. 1136, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1136 was read the second time.

Mr. Wang moved adoption of the committee amendment by Committee on Revenue and spoke in favor of it. The committee amendment was adopted.

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

Ms. Haugen spoke in favor of passage of the bill, and Mr. Holland spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1136, and the bill passed the House by the following vote: Yeas - 72, Nays - 26, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Tate, Valle, Van Luven, Wilson, Wineberry, Wood, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Ballard, Beck, Brough, Brumsickle, Former, Fuhrman, Hochstatter, Holland, Horn, Lisk, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Padden, Paris, Prince, Silver, Sommers, D., Vance, Wang, Winsley, Wynne - 26.

Engrossed Substitute House Bill No. 1136, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1204, by Representatives Riley, Beck, Fraser, Wynne, Winsley and Jacobsen

Changing provisions relating to natural resources conservation areas.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Natural Resources & Parks as amended by Committee on Revenue. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Scott, Substitute House Bill No. 1204 was substituted for House Bill No. 1204, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1204 was read the second time.

Mr. Wang moved adoption of the committee amendment by Committee on Revenue and spoke in favor of it. The committee amendment was adopted.

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

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

Representatives Riley, Hargrove and Wynne spoke in favor of passage of the bill, and Mr. Fuhrman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1204, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Fuhrman, Hochstatter, Morton, Nealey, Prince - 05.

Engrossed Substitute House Bill No. 1204, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker (Mr. R. Meyers presiding) called the House to order.

HOUSE BILL NO. 1471, by Representatives Heavey, Prentice, Jacobsen, Franklin, Ogden, Orr, Winsley, R. King, Jones, Wineberry, Leonard, G. Fisher, Nelson, O'Brien, Cole, Sprenkle, Pruitt, Brekke, Morris, R. Johnson, Cantwell, Spanel, Ebersole, Wang, Phillips, Basich, Valle, Haugen, Scott, Cooper, Roland, Rust and Anderson

Creating the "foundation for families act of 1991."

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Commerce &

Labor as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Heavey, Substitute House Bill No. 1471 was substituted for House Bill No. 1471, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1471 was read the second time.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations.

Mr. Fuhrman moved adoption of the following amendments by Representatives Fuhrman, Vance and Lisk to the committee amendment:

On page 3, line 16 of the amendment, after "average of" strike "~~((one hundred))~~ fifty" and insert "one hundred"

On page 3, beginning on line 18, after "average of" strike "~~((one hundred))~~ fifty" and insert "one hundred"

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

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

The Speaker resumed the Chair.

Representatives Heavey, Ebersole, Jones and Hine spoke against adoption of the amendments to the committee amendment, and Representatives Vance, Horn, Hochstatter, Broback, P. Johnson and Casada spoke against them. Mr. Fuhrman again spoke in favor of the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments on page 3, lines 16 and 18, by Representative Fuhrman and others to the committee amendment to Substitute House Bill No. 1471, and the amendments to the committee amendment were not adopted by the following vote: Yeas - 40, Nays - 58, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 40.

Voting nay: Representatives Anderson, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Coooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley,

Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 58.

Mr. Dorn moved adoption of the following amendment by Representatives Dorn and Heavey to the committee amendment:

On page 20, after line 27 of the amendment, insert the following:

"NEW SECTION. Sec. 402. RCW 49.12.105 and 1973 2nd ex.s. c 16 s 8 are each amended to read as follows:

An employer may apply to the ~~((committee))~~ department for an order for a variance from any rule or regulation establishing a standard for wages, hours, or conditions of labor ~~((promulgated))~~ adopted by the ~~((committee))~~ department under this chapter, or from the requirements of section 401(3)(c) of this act for a minor who is participating in a work study program approved by the school that the minor is attending. The ~~((committee))~~ department shall issue an order granting a variance if it determines ~~((or decides))~~ that the applicant for the variance has shown good cause for the lack of compliance. Any order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, standards and processes which he or she must adopt and utilize to the extent they differ from the standard in question. At any time the ~~((committee))~~ department may terminate and revoke ~~((such))~~ the order, provided the employer was notified by the ~~((committee))~~ department of the termination at least thirty days prior to ~~((said))~~ the termination."

Renumber the sections consecutively and correct any internal references accordingly.

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

The Clerk read the following amendment by Representative Jones to the committee amendment:

On page 24, after line 25 of the amendment, insert the following:

Sec. 408. RCW 49.30.040 and 1989 c 380 s 86 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, any violation of the provisions of this chapter or rules adopted hereunder shall be a class I civil infraction. The director shall have the authority to issue and enforce civil infractions according to chapter 7.80 RCW.

(2) Violations of standards adopted under this chapter for employment of minors shall be enforced under the procedures and penalties provided in sections 404 and 405 of this act.

Renumber the sections consecutively and correct any internal references accordingly.

With consent of the House, Representative Jones withdrew the amendment.

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

On page 19, after line 12, strike all material through "remedies." on line 3, page 25, and insert:

Sec. 401. RCW 49.12.121 and 1989 c 1 s 3 are each amended to read as follows:

~~((The committee, or the director,))~~ (1) The department may at any time inquire into wages, hours, and conditions of labor of minors employed in any trade, business or occupation in the state of Washington and may adopt special rules for the protection of

the safety, health and welfare of minor employees. (~~The minimum wage for minors shall be as prescribed in RCW 49.46.020.~~)

(2) The ~~(committee)~~ department shall issue work permits to employers for the employment of minors (~~(, after being assured)~~) if the proposed employment (~~(of a minor)~~) meets the standards (~~(set forth concerning)~~) for the health, safety and welfare of minors (~~(as set forth in the rules and regulations promulgated by the committee)~~) required by this chapter or adopted by department rule. To implement state policy to assure the attendance of children in the public schools, an employer employing a minor shall obtain a work permit issued by the department. The permit shall be kept on file during the employment of minors. No minor person shall be employed in any occupation, trade or industry subject to this 1973 amendatory act, unless a work permit has been properly issued, with the consent of the parent, guardian or other person having legal custody of the minor and with the approval of the school which (~~(such))~~ the minor may then be attending.

(3)(a) Minors may not be employed at a time during school hours which will interfere with their education except by special permission of school officials as provided in RCW 28A.225.010 and 28A.225.080.

(b) Minors under the age of sixteen may not work more than three hours a day on school days or more than eighteen hours a week during the school year.

(c) Minors who are sixteen and seventeen years of age may not work after 10 p.m. on consecutive school nights.

(e) This subsection (3) shall not apply to minors sixteen years of age or older who are emancipated by court order.

(4) The minimum wage for minors shall be as prescribed in RCW 49.46.020.

(5) For the purposes of this section, "school year" means the weeks during which school is in session in the school district attended by the minor or, if the minor is not enrolled in school, in the school district in which the minor resides.

(6) By November 1, 1991, the department shall adopt rules to implement this section. The rules shall take effect no earlier than May 1, 1992. Consistency of coordination between the federal rules and state regulations to avoid unnecessary confusion shall be of paramount importance and shall take precedence over minor or technical variations in the development of the rules required under this section.

(7) Not more than 60 days following the formal adoption of the rules required under this section, the department shall undertake a broad public education program to ensure that the greatest number of effected individuals as is practicable are informed of the rule changes and their operation. The public education program shall inform employers, parents, minor workers, schools and educators of the new child labor regulatory requirements and penalties. The program shall include mailings, public service announcements, press releases, seminars, and any other efficient means to communicate the changes to the state child labor laws. This educational campaign shall be in place and initiated not less than four months prior to the effective date of the rules.

NEW SECTION. Sec. 402. RCW 49.12.123 and 1983 c 3 s 156 & 1973 c 51 s 3 are each repealed.

"B. Enforcement of Child Labor Standards"

NEW SECTION. Sec. 403. The legislature finds that employment of minors requires strict adherence to standards that protect the safety and health of children and ensure that their education receives top priority. The purposes of this act are to protect children in the work force and provide the department of labor and industries the education and enforcement resources necessary to assure that minors are employed in accordance with the state's child labor standards.

NEW SECTION. Sec. 404. (1)(a) Except as otherwise provided in subsection (2) of this section, if the director, or the director's designee, finds that an employer has violated any of the requirements of RCW 49.12.121, or a rule or order adopted or

variance granted under RCW 49.12.121, a citation stating the violations shall be issued to the employer. The citation shall be in writing, describing the nature of the violation including reference to the standards, rules, or orders alleged to have been violated. An initial citation for failure to comply with RCW 49.12.121 or rules requiring a minor work permit and maintenance of records shall state a specific and reasonable time for abatement of the violation to allow the employer to correct the violation without penalty. The director or the director's designee shall establish a specific time for abatement of other nonserious violations in lieu of a penalty for first time violations. The citation and a proposed penalty assessment shall be given to the highest management official available at the work place and be mailed to the central personnel office of the employer. Citations issued under this section shall be posted at or near the place where the violation occurred.

(b) Except when an employer corrects a violation as provided in (a) of this subsection, he or she shall be assessed a civil penalty of not more than one thousand dollars depending on the size of the business and the gravity of the violation. The employer shall pay the amount assessed within thirty days of receipt of the assessment or notify the director of his or her intent to appeal the citation or the assessment penalty as provided in section 3 of this act.

(2) If the director, or the director's designee, finds that an employer has committed a serious or repeated violation of the requirements of RCW 49.12.121, or any rule or order adopted or variance granted under RCW 49.12.121, the employer is subject to a civil penalty of not more than one thousand dollars for each day the violation continues. For the purposes of this subsection, a serious violation shall be deemed to exist where the violation has caused a substantial probability that death or serious physical harm could result to a minor employee, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(3) In addition to any other authority provided in this section, if, upon inspection or investigation, the director, or director's designee, believes that an employer has violated RCW 49.12.121, or a rule or order adopted or variance granted under RCW 49.12.121, and that the violation creates a danger from which there is a substantial probability that death or serious physical harm could result to a minor employee, the director, or director's designee, may issue an order immediately restraining the condition, practice, method, process, or means creating the danger in the work place. An order issued under this subsection may require the employer to take steps necessary to avoid, correct, or remove the danger and to prohibit the employment or presence of a minor in locations or under conditions where the danger exists.

(4) An employer who violates any of the posting requirements of RCW 49.12.121 or rules adopted implementing RCW 49.12.121 shall be assessed a civil penalty of not more than one hundred dollars for each violation.

(5) A person who gives advance notice, without the authority of the director, of an inspection to be conducted under this chapter shall be assessed a civil penalty of not more than one thousand dollars.

(6) Penalties assessed under this section shall be paid to the director and deposited into the general fund.

NEW SECTION. Sec. 405. A person, firm, or corporation aggrieved by an action taken or decision made by the department under section 404 of this act may appeal the action or decision to the director by filing notice of the appeal with the director within thirty days of the department's action or decision. A notice of appeal filed under this section shall stay the effectiveness of a citation or notice of the assessment of a penalty pending review of the appeal by the director, but such appeal shall not stay the effectiveness of an order of immediate restraint issued under section 404 of this act. Upon receipt of an appeal, a hearing shall be held in accordance with chapter 34.05 RCW. The director shall issue all final orders after the hearing. The final orders are

subject to appeal in accordance with chapter 34.05 RCW. Orders not appealed within the time period specified in chapter 34.05 RCW are final and binding.

NEW SECTION. Sec. 406. An employer who knowingly or recklessly violates the requirements of RCW 49.12.121, or a rule or order adopted under RCW 49.12.121, is guilty of a gross misdemeanor. An employer whose practices in violation of the requirements of RCW 49.12.121, or a rule or order adopted under RCW 49.12.121, result in the death or permanent disability of a minor employee is guilty of a class C felony.

Sec. 407. RCW 49.12.170 and 1973 2nd ex.s. c 16 s 16 are each amended to read as follows:

The committee shall not knowingly issue a variance under the provisions of RCW 49.12.105 which places an employer in conflict with the Federal Fair Labor Standards Act. Except as otherwise provided in section 404 or 406 of this act, any employer employing any person for whom a minimum wage or standards, conditions, and hours of labor have been specified, at less than said minimum wage, or under standards, or conditions of labor or at hours of labor prohibited by the rules and regulations of the committee; or violating any other of the provisions of this 1973 amendatory act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars.

NEW SECTION. Sec. 408. The penalties established in sections 404 and 406 of this act for violations of RCW 49.12.121 are exclusive remedies.

Sec. 409. RCW 49.46.100 and 1959 c 294 s 10 are each amended to read as follows:

(1) Any employer who hinders or delays the director or ~~((his))~~ the director's authorized representatives in the performance of ~~((his))~~ the director's duties in the enforcement of this chapter, or refuses to admit the director or ~~((his))~~ the director's authorized representatives to any place of employment, or fails to make, keep, and preserve any records as required under the provisions of this chapter, or falsifies any such record, or refuses to make any record accessible to the director or ~~((his))~~ the director's authorized representatives upon demand, or refuses to furnish a sworn statement of such record or any other information required for the proper enforcement of this chapter to the director or ~~((his))~~ the director's authorized representatives upon demand ~~(, or pays or agrees to pay wages at a rate less than the rate applicable under this chapter, or otherwise violates any provision of this chapter or of any regulation issued under this chapter)~~ shall be deemed in violation of this chapter and shall ~~(, upon conviction thereof, be guilty of a gross misdemeanor)~~ be assessed a civil penalty of not more than one thousand dollars depending on the size of the business and the gravity of the violation.

(2) Any employer who willfully or repeatedly pays or agrees to pay wages at a rate less than the rate applicable under this chapter or a rule or order adopted under this chapter is in violation of this chapter, and shall, upon conviction, be guilty of a gross misdemeanor.

(3) Upon a finding by the director that an employer who discharges or in any other manner discriminates against any employee because such employee has made any complaint to his or her employer, to the director, or his or her authorized representatives that he or she has not been paid wages in accordance with the provisions of this chapter, or that the employer has violated any provision of this chapter, or because such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to this chapter, or because such employee has testified or is about to testify in any such proceeding ((shall be deemed in violation of this chapter and shall, upon conviction thereof, be guilty of a gross misdemeanor)), the director may require an employer who has discharged or discriminated against an employee in violation of this chapter to reinstate the employee to the same position with back pay.

(4) Civil penalties imposed under this chapter shall be paid to the director for deposit in the general fund. Civil penalties may be recovered and other civil remedies

authorized by this chapter may be enforced in a civil action in the name of the department brought in the superior court of the county where the violation is alleged to have occurred, or the department may use the procedures for collection of wages set forth in chapter 49.48 RCW.

Sec. 410. RCW 49.48.060 and 1971 ex.s. c 55 s 4 are each amended to read as follows:

(1) If upon investigation by the director, after taking assignments of any wage claim under RCW 49.48.040, it appears to the director that the employer is representing to ~~((his))~~ employees that ~~((he))~~ the employer is able to pay wages for their services and that the employees are not being paid for their services or if the director determines an employer has repeatedly violated the provisions of chapter 49.46 or 49.48 RCW requiring payment of wages, the director may require the employer to give a bond in such sum as the director deems reasonable and adequate in the circumstances, with sufficient surety, conditioned that the employer will for a definite future period not exceeding six months conduct ~~((his))~~ business and pay ~~((his))~~ employees in accordance with the laws of the state of Washington.

(2) If within ten days after demand for such bond the employer fails to provide the same, the director may commence a suit against the employer in the superior court of appropriate jurisdiction to compel ~~((him))~~ the employer to furnish such bond or cease doing business until ~~((he))~~ the employer has done so. The employer shall have the burden of proving the amount thereof to be excessive.

(3) If the court finds that there is just cause for requiring such bond and that the same is reasonable, necessary or appropriate to secure the prompt payment of the wages of the employees of such employer and his compliance with RCW 49.48.010 through 49.48.080, the court shall enjoin such employer from doing business in this state until the requirement is met, or shall make other, and may make further, orders appropriate to compel compliance with the requirement.

~~((Upon being informed of a wage claim against an employer or former employer, the director shall, if such claim appears to be just, immediately notify the employer or former employer, of such claim by mail. If the employer or former employer fails to pay the claim or make satisfactory explanation to the director of his failure to do so, within thirty days thereafter, the employer or former employer shall be liable to a penalty of ten percent of that portion of the claim found to be justly due. The director shall have a cause of action against the employer or former employer for the recovery of such penalty, and the same may be included in any subsequent action by the director on said wage claim, or may be exercised separately after adjustment of such wage claim without court action.))~~

Sec. 411. RCW 49.48.030 and 1971 ex s c 55 s 3 are each amended to read as follows:

In any action under this chapter for wages or salary owed in which any person is ~~((successful in recovering judgment for wages or salary owed to him))~~ the prevailing party, reasonable attorney's fees, in an amount to be determined by the court, shall be ~~((assessed against said employer or former employer))~~ awarded to the prevailing party: Provided, however, That this section shall not apply if the amount of recovery is less than or equal to the amount admitted by the employer or claimed by the employee to be owing for said wages or salary.

NEW SECTION. Sec. 412. Sections 404 through 406 and 409 of this act are each added to chapter 49.12 RCW.

NEW SECTION. Sec. 413. Sections 401, 404 through 406 and 409 of this act shall take effect May 1, 1992.

Renumbering remaining sections consecutively and change internal references accordingly.

Mr. Vance spoke in favor of adoption of the amendment to the committee amendment, and Mr. Heavey spoke against it.

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

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

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 19, after line 12 by Representative Vance to the committee amendment to Substitute House Bill No. 1471, and the amendment to the committee amendment was not adopted by the following vote: Yeas - 40, Nays - 58, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 40.

Voting nay: Representatives Anderson, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 58.

Mr. Sprenkle moved adoption of the following amendment by Representatives Sprenkle and Heavey to the committee amendment:

On page 29, after line 2 of the amendment, insert the following:

"(3)(a) Notwithstanding subsection (1) of this section, an employee may be required to work part of the next succeeding work shift following the work shift completed by the employee if:

(i) The work is required because of an unanticipated event, including but not limited to employee illness or emergency repair of production equipment, but not including a need to increase production to meet an increase in market demand, and the unanticipated event has or may halt a continuous production operation;

(ii)(A) In good faith, the employer has exhausted reasonable attempts to obtain voluntary work during the succeeding shift; or

(B) The employee has critical skills and expertise that are required for the work; and

(iii) As requested by the employee, the employer has assisted the employee to acquire safe transportation to his or her residence following the succeeding shift, and has assisted the employee to address child care or other family obligations successfully. At the time of requiring the employee to work part of the next succeeding shift, the employer shall inform the employee of the employer's obligation under this subsection.

(b) This subsection (3) shall not permit an employer to require any employee to work more than twelve consecutive hours, or to work during more than two consecutive work shifts, or to require, in any calendar month, more than sixteen hours beyond the hours of work that may be required under subsection (1) of this section.

(c) For the purposes of this subsection (3):

(i) "Continuous production operation" means a work place that routinely operates twenty-four hours a day in the following industries: (A) Primary metal processing, in an industry assigned the major group standard industrial classification code "33" by the employment security department; or (B) paper and allied products, in an industry assigned the major group standard industrial classification code "26" by the employment security department. (ii) "Standard industrial classification code" means the code identified in RCW 50.29.025(6)(c)."

Renumber the subsections consecutively and correct any internal references accordingly.

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

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

On page 29, after line 2 of the amendment, insert the following:

"(3)(a) Notwithstanding subsection (1) of this section, an employee may be required to work part or all of the next succeeding work shift following the work shift completed by the employee if:

(i) The work is required because of an unanticipated event, including but not limited to employee illness or emergency repair of production equipment, but not including a need to increase production to meet an increase in market demand, and the unanticipated event has or may halt a continuous production operation;

(ii)(A) In good faith, the employer has exhausted reasonable attempts to obtain voluntary work during the succeeding shift; or

(B) The employee has critical skills and expertise that are required for the work; and

(iii) As requested by the employee, the employer has assisted the employee to acquire safe transportation to his or her residence following the succeeding shift, and has assisted the employee to address child care or other family obligations successfully. At the time of requiring the employee to work part or all of the next succeeding shift, the employer shall inform the employee of the employer's obligation under this subsection.

(b) This subsection (3) shall not permit an employer to require any employee to work more than sixteen consecutive hours.

(c) For the purposes of this subsection (3):

(i) "Continuous production operation" means a work place that routinely operates twenty-four hours a day in the following industries: (A) Primary metal processing, in an industry assigned the major group standard industrial classification code "33" by the employment security department; or (B) paper and allied products, in an industry assigned the major group standard industrial classification code "26" by the employment security department. (ii) "Standard industrial classification code" means the code identified in RCW 50.29.025(6)(c)."

Renumber the subsections consecutively and correct any internal references accordingly.

Representatives Morris, Holland, Fuhrman and Moyer spoke in favor of adoption of the amendment, and Representatives Heavey and Sprenkle spoke against it. Mr. Moyer again spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 29, after line 2 by Representatives Morris and Cooper to the committee amendment to Substitute House Bill No. 1471, and the amendment to the committee amendment was not adopted by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Basich, Beck, Betzoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Cooper, Edmondson, Ferguson, Forner, Fuhrman, Hargrove, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 46.

Voting nay: Representatives Anderson, Appelwick, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Day, Dellwo, Dorn, Ebersole, Fisher, G.; Fisher, R., Franklin, Fraser, Grant, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 52.

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

On page 37, line 9, after "than" strike "twenty-five" and insert "one hundred"

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

Mr. R. Johnson moved adoption of the following amendment by Representatives R. Johnson, Inslee, Spanel, Rayburn, Heavey, Kremen and Braddock to the committee amendment:

On page 30, after line 2 of the amendment, insert the following:

"(c)(i) Work performed:

(A) In an industry processing perishable agricultural or horticultural commodities or perishable freshwater or saltwater fish or shellfish or their products when the occurrence of seasonal factors that are customary to the industry, as determined by department rule, could result in loss or deterioration of the product because of failure to complete the work in a timely manner; or

(B) For an employer when at least seventy-five percent of the employer's business is supplying essential goods for the production and distribution of perishable agricultural or horticultural commodities or perishable freshwater or saltwater fish or shellfish or their products to an industry under (i)(A) of this subsection, but only during the seasonal time periods applicable to the industry under (i)(A) of this subsection. An employer who does not meet the requirements of this subsection (i)(B) based on the total production of the employer's business may apply with the department for an exemption for a particular work place when the production at that work place meets the requirements of this subsection (i)(B).

(ii) This subsection (c) shall not permit an employer to require any employee to work more than twelve consecutive hours, or to require any employee to work, in any calendar month, more than thirty-six hours beyond the hours of work that may be required under subsection (1) of this section;"

Renumber the subsections consecutively and correct internal references accordingly.

Representatives R. Johnson and Heavey spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. H. Myers moved adoption of the following amendment by Representatives H. Myers and Heavey to the committee amendment:

On page 30, after line 2 of the amendment, insert the following:

"(c) Emergency work necessary for the public health and safety, otherwise prohibited by subsection (1) of this section, performed by an employee of a public or private electric, gas, fuel oil, sewer, or water utility company, if the utility has exhausted reasonable efforts to have the work performed voluntarily by other employees;"

Renumber the subsections consecutively and correct any internal references accordingly.

Representatives H. Myers and Heavey spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

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

On page 30, line 1 of the amendment, after "49.46.010(5)" insert ", except that employees of the state legislature are not exempt unless employed in a bona fide executive, administrative, or professional capacity,"

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

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

On page 30, line 9 of the amendment, after "States," insert "including work performed under a contract with the United States department of defense when the work is necessary because of the declaration of a national emergency,"

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

Ms. Lisk moved adoption of the following amendments to the committee amendment:

On page 1, line 19 of the amendment, after "A." strike "Overtime Hours of Work" and insert "Minimum Wage"

On page 1, beginning on line 20 of the amendment, after "B." strike all material through "C." on line 21

On page 25, beginning on line 6 of the amendment, strike all material through "agreement." on page 31, line 16

On page 31, line 17 of the amendment, strike "B" and insert "A"

On page 32, line 11 of the amendment, strike "C" and insert "B"

On page 39, beginning on line 18 of the amendment, strike all of section 709

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

POINT OF ORDER

Mr. Ebersole: Mr. Speaker, the speaker is straying from the amendment before us.

SPEAKER'S RULING

The Speaker: Representative Lisk, we ask you to keep your remarks to the subject before us, not the process.

Ms. Lisk continued her remarks in favor of adoption of the amendments to the committee amendment. Representatives Nealey and Broback spoke in favor of the amendments to the committee amendment, and Mr. Heavey spoke against them.

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

The Speaker called on Representative Wang to preside.

Representatives Fuhrman and Casada spoke in favor of adoption of the amendments to the committee amendment, and Representatives Cole and Leonard spoke against them.

The Speaker resumed the Chair.

Ms. Lisk again spoke in favor of the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 25, 31 and 32 by Representative Lisk to the committee amendment to Substitute House Bill No. 1471, and the amendments to the committee amendment were not adopted by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Basich, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Haugen, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky - 46.

Voting nay: Representatives Anderson, Appelwick, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, and Mr. Speaker - 52.

Ms. Lisk moved adoption of the following amendments by Representatives Lisk, Vance and Fuhrman:

On page 31, beginning on line 25 of the amendment, after "except" strike all material through "2.12.037(1)" on page 32, line 8, and insert "as may be otherwise authorized under this chapter."

(2) The director may, from time to time, review the minimum wage rate established in subsection (1) of this section and upon determining that the wage rate is not adequate for the maintenance of employees, may adopt by rule a new minimum wage, but in no case shall the minimum wage rate exceed the minimum wage rate established under the federal Fair Labor Standards Act"

On page 32, line 9 of the amendment, strike "(2)" and insert "(3)"

Ms. Lisk spoke in favor of adoption of the amendments to the committee amendment, and Mr. R. King spoke against them.

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

Mr. Heavey spoke against adoption of the amendments to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 31 and 32 by Representative Lisk and others to the committee amendment to Substitute House Bill No. 1471, and the amendments to the committee amendment were not adopted by the following vote: Yeas - 42, Nays - 56, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Grant, Hargrove, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Prince, Rayburn, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wood, Wynne - 42.

Voting nay: Representatives Anderson, Belcher, Braddock, Bray, Brekke, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dom, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 56.

Ms. Lisk moved adoption of the following amendment by Representatives Lisk, Vance and Fuhrman:

On page 31, beginning on line 25 of the amendment, after "hour" strike all material through "years" on page 32, line 10, and insert "~~((The director shall by regulation establish the minimum wage for employees under the age of eighteen years)),~~ except as may be otherwise authorized under this chapter."

(2) The director may, from time to time, review the minimum wage rate established in subsection (1) of this section and upon determining that the wage rate is not adequate for the maintenance of employees, may adopt by rule a new minimum wage, but in no case shall the minimum wage rate exceed the minimum wage rate established under the federal Fair Labor Standards Act.

(3) In lieu of the minimum wage rate established under subsection (1) or (2) of this section, an employer may pay an employee, for the first ninety days of employment with

the employer, at a wage rate that is eighty-five percent of the wage rate applicable under subsection (1) or (2) of this section.

(4) For employees under the age of eighteen years, the minimum wage rate shall be eighty-five percent of the rate applicable to persons over the age of eighteen"

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

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

Representatives Silver and Hochstatter spoke in favor of the amendment to the committee amendment, and Representatives Prentice, Wineberry and Franklin spoke against them.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 31 by Representative Lisk and others to the committee amendment to Substitute House Bill No. 1471, and the amendment to the committee amendment was not adopted by the following vote: Yeas - 39, Nays - 59, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Dorn, Ferguson, Forner, Fuhrman, Grant, Hargrove, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Prince, Roland, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wynne - 39.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Ebersole, Edmondson, Fisher, G., Fisher, R., Franklin, Fraser, Haugen, Heavey, Hine, Insee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 59.

Ms. Lisk moved adoption of the following amendment by Representatives Lisk, Vance and Fuhrman to the committee amendment:

On page 32, after line 10 of the amendment, insert the following:

"(3) In lieu of the minimum wage rate established under subsection (1) of this section, an employer may pay an employee, for the first ninety days of employment with the employer, at a wage rate that is eighty-five percent of the wage rate applicable under subsection (1) of this section."

Ms. Lisk spoke in favor of adoption of the amendment to the committee amendment, and Representatives Zellinsky and Heavey spoke against it. The amendment to the committee amendment was not adopted.

Ms. Brough moved adoption of the following amendment by Representatives Brough and Mitchell to the committee amendment:

On page 32, line 10 of the amendment, after "years." insert "The regulations shall include provisions that allow employers of minors at outdoor theme recreation parks to

withhold up to fifteen percent of a minor's wages for later payment to the minor under the following conditions:

(a) The minor is employed for a specified period during the summer vacation while the minor is between school terms;

(b) The amount withheld from the minor's wages is paid to the minor by the end of the established pay period for the week that includes the date that the minor ends his or her employment or that includes the date that is the last day of the specified period of employment, whichever is later. However, no payment of the withheld amount is required if the minor voluntarily ends his or her employment before the last day of the specified period of employment; and

(c) The employer informs the minor [in writing] of the requirements of this subsection."

Representatives Brough and Mitchell spoke in favor of adoption of the amendment to the committee amendment, and Representatives Wineberry, Belcher, Heavey and Riley spoke against it. Ms. Brough again spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 32 by Representative Brough and Mitchell to the committee amendment to Substitute House Bill No. 1471, and the amendment to the committee amendment was not adopted by the following vote: Yeas - 14, Nays - 84, Absent - 0, Excused - 0.

Voting yea: Representatives Betrozoff, Brough, Dorn, Fuhrman, Hochstatter, Johnson P., Mielke, Mitchell, Moyer, Nealey, Neher, Silver, Tate, Vance - 14.

Voting nay: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Miller, Morris, Morton, Myers, H., Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprengle, Valle, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 84.

STATEMENTS FOR THE JOURNAL

It was my intention to vote "nay" instead of "yea" on the amendment on page 32 proposed by Representative Brough to Substitute House Bill No. 1471. I would like this noted in the record.

PEGGY JOHNSON, 35th District.

It was my intention to vote "nay" instead of "yea" on the amendment on page 32 proposed by Representative Brough.

RANDY TATE, 25th District.

Mr. Mielke moved adoption of the following amendment by Representatives Mielke and Ballard to the committee amendment:

On page 37, after line 25, insert:

"Sec. 510. RCW 49.46.010 and 1989 c 1 § 1 are each amended to read as follows:
As used in this chapter:

- (1) "Director" means the director of labor and industries;
- (2) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by regulations of the director;
- (3) "Employ" includes to permit to work;
- (4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;
- (5) "Employee" includes any individual employed by an employer but shall not include:
 - (a) Any individual (i) employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been, and is generally and customarily recognized as having been, paid on a piece rate basis in the region of employment; (ii) who commutes daily from his or her permanent residence to the farm on which he or she is employed; and (iii) who has been employed in agriculture less than thirteen weeks during the preceding calendar year;
 - (b) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;
 - (c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman as those terms are defined and delimited by regulations of the director. However, those terms shall be defined and delimited by the state personnel board pursuant to chapter 41.06 RCW and the higher education personnel board pursuant to chapter 28B.16 RCW for employees employed under their respective jurisdictions;
 - (d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government or publicly supported retirement system other than that provided under chapter 41.24 RCW;
 - (e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;
 - (f) Any newspaper vendor or carrier;
 - (g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;
 - (h) Any individual engaged in forest protection and fire prevention activities;
 - (i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;
 - (j) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;

(l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof (~~(, or any employee of the state legislature)~~);

(m) All vessel operating crews of the Washington state ferries operated by the department of transportation;

(n) Any individual employed as a seaman on a vessel other than an American vessel.

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed."

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

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

Ms. Spanel moved adoption of the committee amendment to the title.

With consent of the House, the following amendment by Representative Dorn to the committee amendment to the title was adopted:

On page 40, line 7 of the title amendment, after "82.02.020," insert "49.12.105,"

The committee amendment as amended to the title was adopted.

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

Representatives Heavey, Hargrove, Ebersole, Kremen, Valle, Wineberry and Inslee spoke in favor of passage of the bill, and Representatives Fuhrman, Vance, Lisk and Morton spoke against it.

Mr. Zellinsky demanded the previous question, and the demand was sustained.

Mr. Heavey again spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1471, and the bill passed the House by the following vote: Yeas - 55, Nays - 43, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Meyers, R., Morris, Myers, H., Nelson, O'Brien,

Ogden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 55.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Haugen, Hochstatter, Holland, Horn, Johnson P., Lisk, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 43.

Engrossed Substitute House Bill No. 1471, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Ebersole, the House recessed until 7:00 p.m.

EVENING SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 7:00 p.m. The Clerk called the roll and all members were present except Representatives Brekke, McLean, Sprenkle, Wynne and Zellinsky. On motion of Mr. Mielke, Representatives McLean and Wynne were excused.

MOTION

Mr. Ebersole moved that the House immediately begin consideration of House Bills on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1947, by Representatives G. Fisher and Sprenkle

Changing provisions relating to recyclable materials.

The bill was read the second time.

Ms. Rust moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1947.

Mr. G. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1947, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 3, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, and Mr. Speaker - 93.

Absent: Representatives Brekke, Sprenkle, Zellinsky - 03.

Excused: Representatives McLean, Wynne - 02.

Substitute House Bill No. 1947, having received the constitutional majority, was declared passed.

Representatives Sprenkle and Zellinsky appeared at the bar of the House.

HOUSE BILL NO. 2042, by Representatives Appelwick and Padden

Establishing conditions for the forfeiture of an earnest money deposit as an exclusive remedy.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 2042.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2042, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden,

Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Brekke - 01.

Excused: Representatives McLean, Wynne - 02.

Substitute House Bill No. 2042, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2077, by Representatives Hine, Silver, Peery and Holland

Changing reporting requirements for school district employee benefit providers.

The bill was read the second time.

Ms. Spanel moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 2077.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2077, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dom, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Brekke - 01.

Excused: Representatives McLean, Wynne - 02.

Substitute House Bill No. 2077, having received the constitutional majority, was declared passed.

Representatives McLean and Wynne appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

I am sorry I was detained and missed the votes below. If present I would have voted "yes" on final passage of Substitute House Bill No. 1947, Substitute House Bill No. 2042 and Substitute House Bill No. 2077.

ALEX McLEAN, 12th District.

HOUSE BILL NO. 2082, by Representative Appelwick

Changing provisions relating to district court judges.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 2082.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2082, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Absent: Representative Brekke - 01.

House Bill No. 2082, having received the constitutional majority, was declared passed.

Representative Brekke appeared at the bar of the House.

HOUSE BILL NO. 2090, by Representatives Anderson, McLean, Pruitt and Bowman

Defining the "short term" for elective offices.

The bill was read the second time.

Mr. Anderson moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 2090.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2090, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2090, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2106, by Representatives Anderson, Moyer, O'Brien, Bowman, Pruitt, Grant, Padden, Chandler, Nelson, Prentice, Belcher, McLean, Jones, Ferguson, Sheldon, Vance, Holland, Kremen, Braddock, Wood, Zellinsky, Orr, Van Luven, Heavey, Wineberry, Beck, Winsley, Day, Ogden, Lisk, Leonard, Dellwo, Rayburn, Wang, Roland, Forner and Brekke

Authorizing the division of purchasing to donate state-owned surplus tangible personal property to certain shelters.

The bill was read the second time.

Mr. Anderson moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 2106.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2106, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2106, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2118, by Representatives Jacobsen, Betrozoff, Anderson, Wineberry, Heavey, Belcher, Ludwig, Morris, Basich, Kremen, Winsley, Spanel, Sheldon, Ogden, Wood, Franklin, Brekke, Van Luven and Rasmussen

Concerning the use of public facilities.

The bill was read the second time.

Mr. Anderson moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 2118.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2118, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen,

Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2118, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2152, by Representatives Leonard, Mitchell, Nelson, Franklin, Ogden, Ballard, Winsley, Chandler, D. Sommers, Forner, Moyer, Morton and Hochstatter

Appointing a direct landlord pay task force.

The bill was read the second time.

Mr. Nelson moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 2152.

Representatives Leonard and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2152, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2152, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2161, by Representatives Franklin, Ebersole, Winsley, Ogden, Mitchell, Nelson, Leonard, Braddock, Ballard, Orr, Jones, Cole, Rasmussen and Anderson

Concerning housing for families with members who have disabilities.

The bill was read the second time.

Mr. Nelson moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 2161.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2161, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2161, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2170, by Representatives Appelwick, Brough and Betrozoff

Creating a task force on sentencing of adult offenders.

The bill was read the second time.

Mr. Appelwick moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 2170.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2170, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2170, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) called on Representative R. Meyers to preside.

MOTION

Mr. Ebersole moved that the House immediately begin consideration of House Bills on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2128, by Representatives Cole, Prentice, Braddock, Orr and Franklin

Requiring the director of labor and industries to adopt health and safety standards that address the office environment.

The bill was read the second time. On motion of Ms. Cole, Substitute House Bill No. 2128 was substituted for House Bill No. 2128, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2128 was read the second time.

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

Representatives Cole and Brough spoke in favor of passage of the bill, and Mr. Fuhrman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2128, and the bill passed the House by the following vote: Yeas - 70, Nays - 28, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Mitchell, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Tate, Valle, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 70.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Brumsickle, Casada, Chandler, Edmondson, Former, Fuhrman, Hochstatter, Holland, Horn, Lisk, May, McLean, Mielke, Miller, Morton, Moyer, Nealey, Padden, Paris, Prince, Silver, Sommers, D., Vance, Van Luven - 28.

Substitute House Bill No. 2128, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2155, by Representatives Scott, Appelwick, R. King and Miller

Expanding family courts and family court services.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 2155 was substituted for House Bill No. 2155, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2155 was read the second time.

Mr. Appelwick moved adoption of the following amendments by Representatives Appelwick, Scott, Locke and Silver:

On page 7, beginning on line 13, strike section 9 and 10 and insert the following section:

"NEW SECTION. Sec. 9. (1) Any state funds appropriated in the omnibus operating budget appropriations act for the 1991-93 biennium to the office of the administrator for the courts for the purposes of funding county family courts and county family court services shall be distributed to the eligible counties as provided in this section.

(2) Any appropriation in the omnibus operating budget appropriations act for the purposes of implementing this section is contingent on an equal amount of money being provided by the county from nonstate sources, whether public or private.

(3) Any county that has implemented or has committed to implement a family court and family court services on or before January 1, 1993, is eligible for available appropriated state funds if the county: (a) Obtains approval of an application under subsection (4) of this section; and (b) Commits to spend money from public or private nonstate funding sources over a one-year period beginning on the date the county receives state funding, in an amount that is equal to or greater than the state funds distributed to

the county under subsection (4) of this section. Any state funding is contingent on the county maintaining the family court and the family court services over the one-year period after disbursement of state funds to the county.

(4) The office of the administrator for the courts shall accept applications for state funds until March 1, 1992. After the application period expires, the office of the administrator for the courts shall determine each eligible county's percentage of the funds appropriated for family courts and family court services. An eligible county's percentage share of the appropriated funds shall be the same percentage as the number of cases filed in that county under Title 26 RCW, divided by the number of cases filed under Title 26 in all the eligible counties. The initial determination of the number of case filings in each eligible county shall be based upon the office of the administrator for the courts' most recent annual report. The office of the administrator for the courts shall adjust the calculation of the number of filings in each county if any county has a disproportionate number of filings due to changes of venue or cases in which both parties live in another county. The office of the administrator for the courts may begin disbursing the state funds by July 1, 1992 to eligible counties. The office of the administrator for the courts shall disburse the state funds not later than January 1, 1993 to eligible counties. The counties must use the state funds over a one year period from the date of disbursement.

(5) The office of the administrator for the courts shall develop an application form for applying for state funds under this subsection. The office of the administrator for the courts shall develop rules to determine whether a county applying for state funds a) has implemented or has committed to implement a family court and family court services under this chapter; b) has committed nonstate funds for a one year period following disbursement of the state funds to continue the family court and the family court services through that one year period; and c) has spent the matching funds required to obtain the state funds."

Renumber the remaining sections consecutively and correct internal references accordingly

On page 8, line 8, after "through" strike "10" and insert "8"

On page 8, line 12, strike "sections 9 and 10" and insert "section 9"

On page 8, line 13, strike "sections 9 and 10" and insert "section 9"

On page 8, line 13, strike "are" and insert "is"

Representatives Appelwick and Padden spoke in favor of adoption of the amendments, and they were adopted.

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

Representatives Scott and Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2155, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen,

Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2155, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1459 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1180, by Representatives Cole, Heavey, Jacobsen, R. King, Zellinsky, Jones, Prentice, Vance, Rayburn, Franklin, Scott, Wood, Bowman, Neher, Winsley, D. Sommers, Paris, Van Luven, Forner, Edmondson, Miller, Appelwick and Brekke

Licensing private security guards.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Commerce & Labor as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Cole, Substitute House Bill No. 1180 was substituted for House Bill No. 1180, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1180 was read the second time.

On motion of Ms. Spanel, the committee amendment by Committee on Appropriations was adopted.

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

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

Representatives Cole and Vance spoke in favor of passage of the bill, and Representatives Broback and Morton spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1180, and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Bowman, Braddock, Bray, Brekke, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Miller, Mitchell, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wilson, Wineberry, Wood, Wynne, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Betzoff, Broback, Fuhrman, Hochstatter, Mielke, Morton, Moyer, Nealey, Padden, Sheldon, Silver, Wang, Winsley - 13.

Engrossed Substitute House Bill No. 1180, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1293, by Representatives Jacobsen, Wood, Fraser, Miller, Prince, Brumsickle, Ludwig, Ogden, Winsley, Wynne, Wineberry, Pruitt, Bray and Basich

Establishing the local master's degree teacher training program.

The bill was read the second time. Committee on Education recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Education as amended by Committee on Appropriations. (For committee amendment, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Peery, Substitute House Bill No. 1293 was substituted for House Bill No. 1293, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1293 was read the second time.

On motion of Ms. Spanel, the committee amendment by Committee on Appropriations was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1293, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Beck - 01.

Engrossed Substitute House Bill No. 1293, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1395, by Representatives Ludwig, Nealey, Bray, Haugen, Lisk, Braddock, Grant, Neher, Edmondson, Prince, Ogden, Rayburn, Riley, H. Myers, Morris, Jones, R. Meyers, Wynne, Chandler, G. Fisher, Basich, Inslee, Orr, Sprenkle, Scott, Dellwo, Jacobsen and Brekke

Maintaining the Washington state patrol crime laboratory locations.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

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

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1395, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1395, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1534, by Representatives H. Myers, Beck, Riley, R. King, Tate, Anderson, Vance, Cooper, Ludwig, Hargrove, Padden, Bray, Rasmussen, Sheldon, Leonard, Forner, Brekke, Peery, Belcher, G. Fisher, Morris, Grant, Jones, O'Brien, Orr, Wang, Heavey, Roland, Paris and Winsley

Providing training for investigating and prosecuting sexual assault cases.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Judiciary as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Appelwick, Substitute House Bill No. 1534 was substituted for House Bill No. 1534, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1534 was read the second time.

On motion of Ms. Spanel, the committee amendment by Committee on Appropriations was adopted.

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

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

Ms. H. Myers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1534, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1534, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1721, by Representatives May and Locke

Refunding contributions to the judicial retirement system.

The bill was read the second time. On motion of Ms. Spanel, Substitute House Bill No. 1721 was substituted for House Bill No. 1721, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1721 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1721, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers,

H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1721, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1780, by Representatives Morris, Padden, Appelwick, Riley, H. Myers, Leonard, Belcher, Phillips, Silver, Holland, Paris, R. Johnson, May, Kremen, Rayburn, Cantwell, Broback, D. Sommers, Vance, Ebersole, Inslee, Morton, Cooper, Winsley, Wynne, Hochstatter, Moyer, Rasmussen, Basich, Van Luven, Neher, P. Johnson, Forner, Casada, Roland, Tate, Brumsickle, Orr and Haugen

Authorizing work crews for criminal offenders.

The bill was read the second time. On motion of Ms. Leonard, Substitute House Bill No. 1780 was substituted for House Bill No. 1780, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1780 was read the second time.

Ms. Morris moved adoption of the following amendments by Representatives Morris, Tate, Riley, Hargrove, Winsley and Leonard:

On page 9, beginning on line 2, strike "public project labor" and insert "civic improvement tasks"

On page 9, line 4, after "act. The" strike "public project labor" and insert "civic improvement tasks"

On page 9, line 5, after "entities." insert "The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the country where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385."

Ms. Morris spoke in favor of adoption of the amendments, and they were adopted.

Ms. Morris moved adoption of the following amendments by Representatives Morris, Riley, Leonard, Winsley and Tate:

On page 11, beginning on line 18, strike "The public project labor" and insert "The civic improvement tasks"

On page 11, beginning on line 21, strike "Project labor" and insert "Civic improvement tasks"

On page 11, on line 22, after "entity." Insert "The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. In case any dispute arises as to a civic improvement task having more than minimum negative impact on existing private industries or labor force in the county where their service or labor is performed,

the matter shall be referred by an interested party, as defined in RCW 39.12.010 (4), for arbitration to the director of the department of labor industries of the state."

Ms. Morris spoke in favor of adoption of the amendments, and they were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1780, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1780, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1794, by Representatives Bray, Mitchell, Haugen and Ferguson

Concerning public hospital districts elections.

The bill was read the second time.

Ms. Bowman moved adoption of the following amendment by Representatives Bowman, Bray, Ferguson and Haugen:

On page 1, strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.44.040 and 1990 c 259 s 39 are each amended to read as follows:

"The provisions of Title 29 RCW relating to elections shall govern public hospital districts, except ~~((that--(1)))~~ as provided in this chapter.

A public hospital district shall be created when the ballot proposition authorizing the creation of the public hospital district is approved by a simple majority vote of the voters of the proposed district who vote on the proposition and the total vote cast upon the proposition ~~((to form a hospital district shall))~~ exceeds forty percent of the total number of votes cast in the ~~((precincts comprising the))~~ proposed district at the preceding

general ((and)) county election ((; and (2) hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the first day in January following the election)).

At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected ((to hold office, respectively, for the terms of two, four, and six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district No. 1 receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district No. 2 receiving the highest number of votes in the hospital district shall hold office for the term of four years; and the candidate residing in commissioner district No. 3 receiving the highest number of votes in the hospital district shall hold office for the term of two years. The first commissioners to be elected shall take office immediately when qualified in accordance with RCW 29.01.135. Each term of the initial commissioners shall date from the time above specified following the organizational election, but shall also include the period intervening between the organizational election and the first day of January following the next district general election: PROVIDED, That in public hospital districts encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general county election. The portion of the proposed district located within each county shall constitute a separate commissioner district. There shall be three district commissioners whose terms shall be six years. Each district shall be designated by the name of the county in which it is located. All candidates for commissioners shall be voted upon by the entire district. Not more than one commissioner shall reside in any one district: PROVIDED FURTHER, That in the event there are only two districts then two commissioners may reside in one district. The term of each commissioner shall commence on the first day in January in each year following his election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. The candidate receiving the highest number of votes within the district, as constituted by the election, shall serve a term of six years; the candidate receiving the next highest number of votes shall hold office for a term of four years; and the candidate receiving the next highest number of votes shall hold office for a term of two years: PROVIDED FURTHER, That the holding of each such term of office shall be subject to the residential requirements for district commissioners hereinbefore set forth in this section)). The election of the initial commissioners shall be null and void if the district is not authorized to be created.

The terms of office of the initial public hospital district commissioners shall be staggered as follows: (1) The winning candidates for commissioner positions number one and two each shall be elected to four-year terms of office, if the election was held in an odd-numbered year, or to three-year terms of office, if the election was held in an even-numbered year; and (2) the winning candidate for commission position number three shall be elected to a two-year term of office, if the election was held in an odd-numbered year, or a one-year term of office, if the election was held in an even-numbered year. The length of such terms of office shall be computed from the first day of January in the year following this election. The term of office of each successor shall be four years.

Commissioner districts shall be used for residency purposes only in all public hospital district elections relating to commissioners, unless the district has abandoned the use of commissioner districts. Voters of the entire hospital district may vote at any election to nominate or elect any commissioner. If the proposed public hospital district is county-wide, and the county has three county legislative authority districts, the county legislative authority districts shall be used as hospital commissioner districts. In all other instances, the county auditor of the county in which all or the largest portion of the

proposed public hospital district is located shall draw the initial three commissioner districts each of which comprises as nearly as possible one-third of the total population of the proposed public hospital district and number the districts one, two, and three. Each of the three commissioner positions shall be numbered one through three and associated with the district of the same number.

The public hospital district commissioners may redraw commissioner districts so that each district comprises as nearly as possible one-third of the total population of the proposed public hospital district.

NEW SECTION. Sec. 2. A new section is added to chapter 70.44 RCW to read as follows:

The terms of office of each public hospital district commissioner shall be reduced to four years, except for those commissioners whose terms of office would have expired on January 1, 1992. Commencing at the 1991 general election, each person elected as a public hospital district commissioner shall be elected to a four-year term of office, except for the staggering of terms and filling of vacancies.

Sec. 3. RCW 70.44.045 and 1982 c 84 s 13 are each amended to read as follows:

A vacancy in the office of commissioner shall occur by death, resignation, removal, conviction of felony, nonattendance at meetings of the commission for sixty days, unless excused by the commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of ~~((his))~~ the commissioner's duty ~~((, or by creation of positions pursuant to RCW 70.44.051, et seq)).~~ A vacancy or vacancies on the board shall be filled by appointment by the remaining commissioner or commissioners until the next regular election for commissioners as provided by RCW 70.44.040: PROVIDED, That if there is only one remaining commissioner, one vacancy shall be filled by appointment by the remaining commissioner and the remaining vacancy or vacancies shall be filled by appointment by the then two commissioners and the appointed commissioners shall serve until the next regular election for commissioners: PROVIDED FURTHER, That if there is a vacancy of the entire board, a new board may be appointed by the board of county commissioners or county council.

Sec. 4. RCW 70.44.051 and 1967 c 77 s 1 are each amended to read as follows:

~~((In addition to the procedures enumerated in RCW 70.44.020, 70.44.030 and 70.44.035,))~~ The board of public hospital district commissioners in an existing intracounty or intercounty district may be increased from three members to five or to seven members; and the board of public hospital district commissioners in any district created after June 8, 1967 may ((have)) be increased from three((;)) members to five or seven ((commissioners)) members.

Sec. 5. RCW 70.44.053 and 1967 c 77 s 2 are each amended to read as follows:

At any general or special election which may be called for that purpose the board of public hospital district commissioners may, or on petition of ten percent of the electors based on the total vote cast in the last district general election in the public hospital district shall, by resolution, submit to the voters of the district the proposition increasing the number of commissioners to any number authorized in RCW 70.44.051. The petition or resolution shall specify whether it is proposed to increase the number of commissioners to either five or seven members.

If the voters of the district approve the ballot proposition authorizing the increase in the number of commissioners to either five or seven members, an election to nominate candidates for the additional positions shall be held at the next September special election, occurring in either an even or odd-numbered year, and an election to elect each additional commissioner shall be held at the following November election. Candidates shall run for specific commissioner positions.

Where the number of commissioners is increased to five, the two new commissioner positions shall not be associated with a commissioner district. The initial new terms shall be staggered so that the winning candidate receiving the greatest number of votes shall

be elected to a four-year term of office, if the election was held in an odd-numbered year, or three-year term of office if the election was held in an odd-numbered year, and the other winning candidate shall be elected to a two-year term of office, if the election was held in an odd-numbered year, or a one-year term of office, if the election was held in an even-numbered year. The two new elected commissioners shall assume office as provided in RCW 29.04.170. Successors shall be elected to four-year terms of office.

Where the number of commissioners is increased to seven, one of the new commissioner positions shall be associated with each of the three commissioner districts, and the initial terms of each of the three new commissioner positions shall be staggered, so that at each subsequent district general election one position associated with each of the three commissioner districts is elected to a four-year term of office. The fourth new commissioner position shall not be associated with a commissioner district and the winning candidate shall be elected to a four-year term of office, if the election was held in an odd-numbered year, or a three-year term of office, if the election was held in an even-numbered year. Successors shall be elected to four-year terms of office.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) RCW 70.44.055 and 1967 c 77 s 3; and
- (2) RCW 70.44.057 and 1967 c 77 s 4."

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

With consent of the House, the following amendment by Representatives Bowman, Bray, Ferguson and Haugen to the title was adopted:

On page 1, line 2 of the title amendment, after "70.44.040" strike ";" and insert ", 70.44.040, 70.44.045, 70.44.051, and 70.44.053; adding a new section to chapter 70.44 RCW; and repealing RCW 70.44.055 and 70.44.057."

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

Representatives Bray and Mitchell spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1794, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Miller - 01.

Engrossed House Bill No. 1794, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1646, by Representative Locke; by request of Office of Financial Management and Dept. of Social and Health Services

Pertaining to Class IV human immunodeficiency virus insurance program.

The bill was read the second time.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1646, and the bill passed the House by the following vote: Yeas - 51, Nays - 47, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bowman, Braddock, Bray, Brekke, Brumsickle, Cole, Cooper, Day, Dellwo, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Hargrove, Heavey, Hine, Inslee, Jacobsen, Johnson P., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Roland, Rust, Scott, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, and Mr. Speaker - 51.

Voting nay: Representatives Ballard, Beck, Betrozoff, Broback, Brough, Cantwell, Casada, Chandler, Dorn, Edmondson, Ferguson, Forner, Fuhrman, Grant, Haugen, Hochstatter, Holland, Horn, Johnson R., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rasmussen, Rayburn, Riley, Schmidt, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Winsley, Wood, Wynne, Zellinsky - 47.

House Bill No. 1646, having received the constitutional majority, was declared passed.

POINT OF INFORMATION

Mr. Padden: Thank you, Mr. Speaker. With all due respect there were many members who were trying to speak. I don't think you had the opportunity to look up. It's the job of the Speaker and Chief Clerk to look up and see who is ready to speak. This is a very important bill that should have had some remarks made before the vote.

SPEAKER'S REPLY

The Speaker (Mr. R. Meyers presiding): Thank you for your help, Representative Padden. I did look up. I didn't see anybody. I checked with the Chief Clerk. We will be more attentive in the future. Thank you very much.

MOTION FOR RECONSIDERATION

Mr. Wilson, having voted on the prevailing side, moved that the House immediately reconsider the vote by which House Bill No. 1646 passed the House.

Representatives Padden and Ebersole spoke in favor of the motion, and it was carried.

RECONSIDERATION

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1646 on reconsideration.

Representatives Locke, Sprenkle, Zellinsky and H. Myers spoke in favor of passage of the bill, and Representatives Moyer, Paris and Silver spoke against it. Mr. Braddock spoke in favor of passage of the bill.

POINT OF ORDER

Ms. Miller: Thank you, Mr. Speaker. I believe that the speaker is straying from the bill at hand. I think you should remind him to keep his remarks on this bill.

SPEAKER'S RULING

The Speaker (Mr. R. Meyers presiding): Thank you, Representative Miller. Representative Braddock, address the bill please.

Mr. Braddock concluded his remarks in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1646 on reconsideration, and the bill passed the House by the following vote: Yeas - 50, Nays - 48, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, and Mr. Speaker - 50.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Day, Edmondson, Ferguson, Forner, Fuhrman, Hargrove, Haugen, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Schmidt, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky - 48.

House Bill No. 1646, having received the constitutional majority, was declared passed.

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

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Tuesday, March 19, 1991.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

SIXTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, March 19, 1991

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Basich, Brekke, Day, Hine, Holland, Lisk, Locke, Ludwig, Mielke, Morris, Rasmussen, H. Sommers, Wang and Wineberry. On motion of Mr. Vance, Representatives Holland, Lisk and Mielke were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bree Oatman and Cathy Bishop. Prayer was offered by The Reverend Ben Harding, Minister of the United Churches of Olympia.

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

Representatives Ludwig, Mielke and Wineberry appeared at the bar of the House.

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

SECOND READING**MOTION**

Mr. Dorn moved that the House immediately begin consideration of House Bills on the suspension calendar. The motion was carried.

HOUSE JOINT MEMORIAL NO. 4010, by Representatives R. Fisher, Schmidt, Cooper, Wilson, R. Meyers, Prentice, Wood, Heavey, Chandler, R. Johnson, Forner, P. Johnson, Mitchell, Brough, Haugen, Zellinsky, Jones, Kremen, Cantwell, Phillips, Nealey, Paris, Bray, Rayburn, Nelson and Anderson

Asking Congress to develop a national energy policy.

The memorial was read the second time.

Ms. H. Myers moved that the committee recommendation be adopted and the substitute memorial be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Joint Memorial No. 4010.

Ms. R. Fisher spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4010, and the memorial passed the House by the following vote: Yeas - 86, Nays - 0, Absent - 10, Excused - 2.

Voting yea: Representatives Anderson, Ballard, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brunsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hochstatter, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 86.

Absent: Representatives Appelwick, Basich, Brekke, Day, Hine, Locke, Morris, Rasmussen, Sommers, H., Wang - 10.

Excused: Representatives Holland, Lisk - 02.

Substitute House Joint Memorial No. 4010, having received the constitutional majority, was declared passed.

Representatives Hine, Holland, Rasmussen and Wang appeared at the bar of the House.

HOUSE JOINT MEMORIAL NO. 4011, by Representatives R. Fisher, R. Meyers, Wilson, Cooper, Schmidt, R. Johnson, Prentice, Wood, Mitchell, Heavey, Chandler, Forner, P. Johnson, Brough, Haugen, Zellinsky, Jones, Kremen, Cantwell, Holland and Anderson

Asking Congress for adoption of the new Federal Surface Transportation Assistance Act by October 1, 1991.

The memorial was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted (For committee amendments, see Journal, 52nd Day, March 6, 1991.) and the engrossed memorial be advanced to third reading.

The Speaker (Mr. O'Brien) stated the question before the House to be final passage of Engrossed House Joint Memorial No. 4011.

Ms. R. Fisher spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Memorial No. 4011, and the memorial passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 7, Excused - 1.

Voting yeas: Representatives Anderson, Ballard, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Appelwick, Basich, Brekke, Day, Locke, Morris, Sommers, H. - 07.

Excused: Representative Lisk - 01.

Engrossed House Joint Memorial No. 4011, having received the constitutional majority, was declared passed.

Representative Morris appeared at the bar of the House.

HOUSE JOINT MEMORIAL NO. 4012, by Representatives R. Fisher, Wilson, Schmidt, Prentice, Wood, Cooper, R. Meyers, Heavey, Chandler, R. Johnson, Forner, P. Johnson, Mitchell, Brough, Haugen, Zellinsky, Jones, Kremen, Cantwell, Holland, Rasmussen, Nealey, Paris, Horn and Ferguson

Asking Congress to make motor fuel tax moneys available to the states for highway work.

The memorial was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted (For committee amendment, see Journal, 52nd Day, March 6, 1991.) and the engrossed memorial be advanced to third reading.

The Speaker (Mr. O'Brien) stated the question before the House to be final passage of Engrossed House Joint Memorial No. 4012.

Ms. R. Fisher spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Memorial No. 4012, and the memorial passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 6, Excused - 1.

Voting yea: Representatives Anderson, Ballard, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Appelwick, Basich, Brekke, Day, Locke, Sommers, H. - 06.

Excused: Representative Lisk - 01.

Engrossed House Joint Memorial No. 4012, having received the constitutional majority, was declared passed.

Representatives Appelwick, Basich, Day and Lisk appeared at the bar of the House.

HOUSE JOINT MEMORIAL NO. 4015, by Representatives Nelson, Brough, R. Fisher, Betrozoff, Paris, Winsley, Heavey, Fomer, Prentice, Brekke and Anderson

Asking Congress for equal tax treatment of employer-provided transportation benefits.

The memorial was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the memorial be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Joint Memorial No. 4015.

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

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4015, and the memorial passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 3, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada,

Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Brekke, Locke, Sommers, H. - 03.

House Joint Memorial No. 4015, having received the constitutional majority, was declared passed.

Representative Locke appeared at the bar of the House.

HOUSE JOINT RESOLUTION NO. 4202, by Representatives Ferguson, Haugen, Horn, Roland, Cole, Wood, Zellinsky, D. Sommers, Winsley, Nealey, Nelson and Fraser

Allowing the review and modification of local government.

The resolution was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the resolution be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Joint Resolution No. 4202.

ROLL CALL

The Clerk called the roll on the final passage of House Resolution No. 4202, and the resolution passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 2, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Brekke, Sommers, H. - 02.

House Joint Resolution No. 4202, having received the constitutional majority, was declared passed.

HOUSE JOINT RESOLUTION NO. 4216, by Representatives Franklin, Edmondson, Haugen, Ferguson, Valle, Wood and Day

Amending the Constitution to permit municipalities and state agencies to employ chaplains.

The resolution was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the substitute resolution be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Joint Resolution No. 4216.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Resolution No. 4216, and the resolution passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 2, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Wang - 01.

Absent: Representatives Brekke, Sommers, H. - 02.

Substitute House Joint Resolution No. 4216, having received the constitutional majority, was declared passed.

HOUSE JOINT RESOLUTION NO. 4221, by Representative Appelwick

Amending the Constitution to revise the jurisdiction of the superior court.

The resolution was read the second time.

Mr. Ludwig moved that the committee recommendation be adopted and the substitute resolution be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Joint Resolution No. 4221.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Resolution No. 4221, and the resolution passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 2, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Brekke, Sommers, H. - 02.

Substitute House Joint Resolution No. 4221, having received the constitutional majority, was declared passed.

Representative Brekke appeared at the bar of the House.

HOUSE BILL NO. 1125, by Representatives Braddock and Orr; by request of Dept. of Social and Health Services

Changing the billing period to twelve months.

The bill was read the second time.

Mr. Braddock moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1125.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1125, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen,

Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Sommers, H. - 01.

Substitute House Bill No. 1125, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1226, by Representatives Prentice, Wood, Franklin, Braddock, May, Brekke, Leonard, Belcher, Day, Brough, R. Meyers, Morris, Pruitt, Silver, D. Sommers, Dellwo, Jones, Riley, Scott, Sheldon, Phillips, Orr, Basich, Ogden and Cantwell

Making provisions for nursing home residents' discharge for temporary hospitalization.

The bill was read the second time.

Mr. Braddock moved that the committee recommendation be adopted (For committee amendments, see Journal, 57th Day, March 11, 1991.) and the engrossed substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1226.

Representatives Prentice and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1226, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Sommers, H. - 01.

Engrossed Substitute House Bill No. 1226, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1340, by Representatives R. Meyers, Heavey and O'Brien; by request of Employment Security Department

Revising provisions for deductions from unemployment compensation weekly benefits.

The bill was read the second time.

Mr. Heavey moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 1340.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1340, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Sommers, H. - 01.

House Bill No. 1340, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the regular second reading calendar in the following order: House Bill No. 1008, House Bill No. 1884, House Bill No. 2071, House Bill No. 2114, House Bill No. 1836 and House Bill No. 1865. The motion was carried.

HOUSE BILL NO. 1008, by Representatives O'Brien, Dellwo, Wineberry and Winsley

Evaluating labels for over-the-counter medications.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1008 was substituted for House Bill No. 1008, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1008 was read the second time.

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

Representatives Braddock and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1008, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Sommers, H. - 01.

Substitute House Bill No. 1008, having received the constitutional majority, was declared passed.

Representative H. Sommers appeared at the bar of the House.

MOTION

On motion of Ms. Cole, Representative Locke was excused.

HOUSE BILL NO. 1884, by Representatives Ebersole, Forner, Belcher, Locke, Spanel, Peery, Phillips, H. Myers, Riley, R. Johnson, Paris, Wineberry, Ogden, Ludwig, Edmondson, Zellinsky, Brough, Jacobsen, Nelson, Miller, Holland, Winsley, Roland, Hine, Brekke, Rasmussen, Fraser, Mitchell and Orr

Providing for domestic violence programs and community response.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass substitute. Committee on Appropriations

recommendation: Majority, do pass substitute by Committee on Judiciary as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Ludwig, Substitute House Bill No. 1884 was substituted for House Bill No. 1884, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1884 was read the second time.

On motion of Ms. Spanel, the committee amendments by Committee on Appropriations were adopted.

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

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

Representatives Ebersole, Forner, Ogden and Moyer spoke in favor of passage of the bill.

The Speaker assumed the Chair.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1884, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Locke - 01.

Engrossed Substitute House Bill No. 1884, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2071, by Representatives Moyer, Prentice, Day and Braddock

Giving the governor the authority to appoint the medical disciplinary board.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 2071 was substituted for House Bill No. 2071, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2071 was read the second time.

Mr. Moyer moved adoption of the following amendment by Representatives Sprenkle and Moyer:

On page 6, line 6, strike "department" and insert "disciplining authority, in consultation with the department,"

Mr. Moyer spoke in favor of adoption of the amendment, and it was adopted.

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

Representatives Moyer and Braddock spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2071, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Locke - 01.

Engrossed Substitute House Bill No. 2071, having received the constitutional majority, was declared passed.

Representative Locke appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 2114 and House Bill No. 1836 and that the bills hold their places on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1865, by Representatives Rust, Chandler, Valle and Prince

Providing for hazardous waste planning.

The bill was read the second time. On motion of Ms. Rasmussen, Substitute House Bill No. 1865 was substituted for House Bill No. 1865, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1865 was read the second time.

Ms. Rust moved adoption of the following amendment by Representatives Rust and Horn:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.105.215 and 1986 c 210 s 3 are each amended to read as follows:

(1) The legislature recognizes ~~((the))~~ that even if efforts at hazardous substance use reduction and waste reduction reduce the quantity of hazardous wastes generated in this region, there will probably be a need for new, modified, or expanded facilities to treat, store, incinerate, or otherwise process or dispose of hazardous substances safely. In order to ~~((encourage))~~ plan for the development of such facilities when needed, the department shall adopt rules as necessary regarding the permitting of such facilities to ensure the most expeditious permit processing possible consistent with the substantive requirements of applicable law.

(2) The department may issue a draft permit for a new hazardous waste incinerator or landfill only if the department determines that the proposed facility is sized no larger than is necessary to meet current and future needed capacity of the region, as determined pursuant to section 2 of this act. The department may impose conditions on or deny a permit application based on the results of this determination.

(3) If the owner~~((s))~~ and operator~~((s))~~ of a proposed hazardous waste incinerator or landfill are not the same entity, the operator shall be the permit applicant and responsible for the development of the permit application and all accompanying materials, as long as the owner also signs the application and certifies its ownership of the real property described in the application, and acknowledges its awareness of the contents of the application and receipt of a copy thereof.

NEW SECTION. Sec. 2. A new section is added to chapter 70.105 RCW to read as follows:

As part of the hazardous waste management plan developed pursuant to RCW 70.105.200, the department shall estimate the need for landfill and incineration capacity for hazardous wastes generated in this state in the following ten years. When a draft permit is issued pursuant to RCW 70.105.215, the information in the plan shall be updated with a facility-specific needs determination, using the best available information. To the extent feasible, the department shall take into consideration the following factors in the needs determination:

(1) The available incinerator and landfill capacity and demand on capacity in Washington, Idaho, Oregon, and Alaska, based on information supplied by those states;

(2) The potential for future decreases in demand for incineration and landfilling if the preferred management hierarchy established in RCW 70.105.150 were applied to all hazardous waste generated in this state, so that wastes destined for landfill or incineration would be only those which are appropriate for that method of management; and

(3) The potential future increases in demand due to economic growth, regulatory changes, expanded cleanup activities, and other relevant impacts.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

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

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

Representatives Rust and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1865, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1865, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1919, by Representatives Valle, Dellwo, Sprenkle, Scott, Winsley, Prentice, Rasmussen, Bowman and Leonard

Providing for a reduction in automobile insurance and the disbursement of information on the effects of alcohol and drugs on driving.

The bill was read the second time. On motion of Mr. Zellinsky, Substitute House Bill No. 1919 was substituted for House Bill No. 1919, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1919 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1919, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1919, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2030, by Representatives Spanel, May, Ogden, Fraser, Locke and Paris

Requiring information on and repealing various higher education tuition and fee waivers, reduced fees, and residency exemptions.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Higher Education as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Ogden, Substitute House Bill No. 2030 was substituted for House Bill No. 2030, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2030 was read the second time.

Ms. Spanel moved adoption of the committee amendments by Committee on Appropriations and spoke in favor of it. The committee amendments were adopted.

With consent of the House, the committee amendments to the title were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2030, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative King, R. - 01.

Engrossed Substitute House Bill No. 2030, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider House Bill No. 1836 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1836, by Representatives Belcher, Beck, Scott, Jacobsen, Phillips, Ferguson, Rasmussen, Fraser, Brumsickle, Sprenkle, Rust, Spanel, Leonard, Holland, Dorn, Forner, Franklin, Roland, R. Johnson, R. Fisher, H. Myers, R. King, Wang, Winsley, Nelson, Brough and Anderson

Adopting the model rivers act.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Natural Resources & Parks as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Belcher, Substitute House Bill No. 1836 was substituted for House Bill No. 1836, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1836 was read the second time.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations.

Ms. P. Johnson moved adoption of the following amendments by Representatives P. Johnson, Beck, Brumsickle, Bowman, R. Johnson, Riley, Roland, Rayburn and Wilson to the committee amendment:

On page 2, after line 2, insert:

"(3) "Flood damage" shall have the same meaning as provided in RCW 86.16.120."

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 2, line 20, after "rivers" insert "including the prevention and minimization of flood damage"

On page 5, line 25, after "rights" insert "including the prevention and minimization of flood damage"

On page 6, after line 13, insert:

"(h) Prevention and minimization of flood damage."

Ms. P. Johnson spoke in favor of adoption of the amendments to the committee amendment, and Ms. Belcher spoke against them.

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

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

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 2, 5 and 6 by Representative P. Johnson and others to the committee amendment to Substitute House Bill No. 1836, and the amendments were not adopted by the following vote: Yeas - 44, Nays - 53, Absent - 1, Excused - 0.

Voting yea: Representatives Ballard, Beck, Betzoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Former, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Johnson R., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Schmidt, Silver, Sommers, D., Spanel, Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 44.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 53.

Absent: Representative Sprengle - 01.

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

On page 2, line 9, after "river" strike "and land surrounding the river as defined by a protected or model river management plan developed under section 5, 6, or 8 of this act" and insert "channel to the water's edges"

Mr. Morton spoke in favor of adoption of the amendment to the committee amendment, and Representatives Hargrove and Belcher spoke against it. Mr. Morton again spoke in favor of the amendment.

The amendment to the committee amendment was not adopted.

The Speaker called on Representative R. Meyers to preside.

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

On page 2, line 9, after "and" insert "no more than fifty feet of" and strike "as defined by a protected or model river management plan developed under section 5, 6, or 8 of this act"

Mr. Mielke spoke in favor of adoption of the amendment to the committee amendment, and Representatives Hargrove and Belcher spoke against it. The amendment to the committee amendment was not adopted.

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

On page 3, line 17, after "(b)" strike "T" and insert "Seventeen of t"

On page 3, line 17, after "rivers" insert "excluding the Kettle River"

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

Ms. Belcher moved adoption of the following amendment by Representatives Belcher and Hargrove to the committee amendment:

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

"(4) Upon designation of a river under sections 5 and 6 of this act, all state government agencies and local governments are hereby directed to pursue policies with regard to their respective activities, functions, powers and duties which are designed to conserve and enhance the conditions of rivers that have been included in a protected river management plan, in accordance with the management policies and the rules and regulations adopted by the commission for such rivers. Local agencies are directed to pursue such policies with respect to all lands in the river area owned or leased by such local agencies."

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

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

On page 6, after line 13, insert a new subsection:

"(3) State agencies and local governments shall not impose any additional regulation of private lands by reason of the designation as a protected river under this chapter."

Mr. Beck spoke in favor of adoption of the amendment to the committee amendment, and Representatives Belcher and Hargrove spoke against it. The amendment to the committee amendment was not adopted.

The Clerk read the following amendment by Representative Beck:

On page 8, line 14, insert "(8) State agencies and local governments shall not impose any additional regulation of private lands by reason of the designation as a model river under this chapter."

With consent of the House, Representative Beck withdrew the amendment.

Mr. Mielke moved adoption of the following amendment by Representatives Mielke and Morton to the committee amendment:

On page 8, line 25, after "shall" strike "be broadly representative" and insert "consist of local representatives"

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

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

Mr. Mielke again spoke in favor of the amendment to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 8 by Representatives Mielke and Morton to the committee amendment to Substitute House Bill No. 1836, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Beck, Berozoff, Bowman, Broback, Brough, Brunsickle, Casada, Chandler, Day, Edmondson, Ferguson, Forner, Fuhrman, Grant, Hochstatter, Holland, Horn, Johnson P., Johnson R., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 46.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 52.

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

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

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

Representatives Belcher and Hargrove spoke in favor of passage of the bill, and Representatives Morton and Beck spoke against it.

Mr. Zellinsky demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1836, and the bill passed the House by the following vote: Yeas - 67, Nays - 31, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Mitchell, Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Van Luven, Wang, Wilson, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Broback, Brumsickle, Casada, Chandler, Edmondson, Fuhrman, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Silver, Sommers, D., Tate, Vance, Wood, Wynne - 31.

Engrossed Substitute House Bill No. 1836, having received the constitutional majority, was declared passed.

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

RESOLUTION

HOUSE RESOLUTION NO. 91-4651, by Representatives Roland and Vance

WHEREAS, The State Class AAA Girls' Basketball Tournament traditionally showcases exceptionally talented high school teams from throughout the state; and

WHEREAS, The Auburn High School Trojans have advanced to the girls' AAA championship round six times in the school's history, ranked first but finishing second in three championship appearances; and

WHEREAS, The Trojans capped an outstanding 1991 season record of 26 wins and just 2 losses by finally winning the State Class AAA Girls' Basketball title at the Seattle Center Coliseum on Saturday, March 9; and

WHEREAS, The final game ended in a come-from-behind 44-36 Trojan victory over defending champion Mead of Spokane, with the Trojans igniting to score 18 of the game's final 20 points; and

WHEREAS, The Trojans finished the season with a 19-game winning streak, having never relinquished their number-one ranking; and

WHEREAS, The Trojans displayed outstanding team spirit, athletic skill, intensity, and determination in winning the state crown;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize winning team members Kelli Crossno, Kristi Dray, Janna Ellsworth, Laine Gonzales, Angie Jorgensen, Kristi Konsmo, Nancy Konsmo, Jane Kuxhausen, Christy Mariani, Carey Rockey, Behka Stafford, Erin Swanson, and Jennifer Wood, and congratulate them on their victory; and

BE IT FURTHER RESOLVED, That the House of Representatives also recognize and applaud the leadership of 17-year Coach Dennis Olson in taking his team to the championship and for his state-best 12 tournament appearances; and

BE IT FURTHER RESOLVED, That assistant coaches Tony Higgins, Jason Higgins, Gordon O'Dell, and Dale Pound are recognized for their continuing support; and

BE IT FURTHER RESOLVED, That Behka Stafford is congratulated and so recognized by the House of Representatives for being named most valuable player of the girls' Class AAA tournament, and that she, her teammates, their coaches, and their school are commended for their spirit and for their accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the State Class AAA Girls' Basketball Champion Auburn Trojans team members and coaches.

Ms. Roland moved adoption of the resolution. Representatives Roland, Vance, Mitchell and Pruitt spoke in favor of the resolution.

House Resolution No. 91-4651 was adopted.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2057 and House Bill No. 2100 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2057, by Representatives Day, H. Sommers, Dellwo, D. Sommers, Orr, Mielke, Nealey, Wang, Prince, Moyer, Scott, Hine and Wineberry

Allowing public facilities districts to impose excise tax.

The bill was read the second time.

Mr. Padden moved adoption of the following amendment:

On page 1, after line 10, insert:

"An authorizing proposition submitted to the voters of the public facilities district in Spokane county must be approved by a majority of the voters in each state legislative district that is entirely within the boundaries of Spokane county."

Mr. Padden spoke in favor of adoption of the amendment, and Representatives Day, D. Sommers, Dellwo and Wang spoke against it. Mr. Padden again spoke in favor of adoption of the amendment.

The amendment was not adopted.

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

Representatives Day, Moyer and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2057, and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Franklin, Grant, Hargrove, Haugen, Heavey, Hine, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Valle, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Ballard, Casada, Chandler, Forner, Fraser, Fuhrman, Hochstatter, Holland, Locke, Miller, Morton, Padden, Tate, Vance - 14.

House Bill No. 2057, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2100, by Representatives Braddock, Locke, Wineberry and Wang

Exempting nursing homes for underserved ethnic minorities from certificate of need requirements.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 2100 was substituted for House Bill No. 2100, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2100 was read the second time.

Mr. Braddock moved adoption of the following amendment:

On page 3, after line 11, insert a new subsection as follows:

"(6) The department shall initially award up to one hundred beds before that number of beds are actually in the special pool, provided that the number of beds so awarded are subtracted from the total of 250 beds that can be awarded from the special pool."

Mr. Braddock spoke in favor of adoption of the amendment, and it was adopted.

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

Representatives Braddock and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2100, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2100, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease.
The Speaker (Mr. Ebersole presiding) called the House to order.

The Speaker (Mr. Ebersole presiding) declared the House to be at ease until 1:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. R. Meyers presiding) called the House to order at 1:00 p.m.

MOTION

On motion of Mr. Vance, Representative Miller was excused.

MOTION

Mr. Ebersole moved that the House immediately begin consideration of House Bills on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1362, by Representatives Heavey, Vance, Prentice, Winsley, R. King, Wood, Van Luven, Beck, Dorn, Forner, Riley and Nelson

Extending collective bargaining laws to uniformed personnel of all cities, towns, and counties.

The bill was read the second time.

Mr. Heavey moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1362.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1362, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Miller - 01.

House Bill No. 1362, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1368, by Representatives Haugen, R. King, H. Sommers, Prince, Silver, Morris, Wood, Moyer and Miller; by request of Department of Wildlife

Placing conditions on local improvement district assessments against department of wildlife land.

The bill was read the second time.

Mr. Cooper moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1368.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1368, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Fomer, Franklin, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Fraser - 01.

Absent: Representative Vance - 01.

Excused: Representative Miller - 01.

Substitute House Bill No. 1368, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I was momentarily off the floor for the vote on final passage of Substitute House Bill No. 1368. Please record my vote as "Yea."

CHRISTOPHER VANCE, 31st District.

MOTION

On motion of Mr. Vance, Representative McLean was excused.

HOUSE BILL NO. 1369, by Representatives Belcher, Silver, Rasmussen, Spanel and Morris; by request of Department of Wildlife

Exempting certain permits and licenses from the definition of a fee.

The bill was read the second time.

Ms. Scott moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1869.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1369, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives McLean, Miller - 02.

House Bill No. 1369, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1426, by Representatives Grant, Ballard, Rayburn, Nealey, Rust, Belcher, Ludwig, Prince, Heavey, Inslee, Bray, Rasmussen, Jacobsen, Lisk, Kremen, Spanel and Edmondson

Establishing the center for sustaining agriculture and natural resources, and the food and environmental quality laboratory as research and extension programs of Washington State University.

The bill was read the second time.

Ms. Rayburn moved that the committee recommendation be adopted (For committee amendments, see Journal, 57th Day, March 11, 1991.) and the engrossed substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1426.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1426, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives McLean, Miller - 02.

Engrossed Substitute House Bill No. 1426, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1431, by Representatives R. Fisher, R. Meyers and Betzoff

Updating the Model Traffic Ordinance.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1431.

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1431, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogen, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Chandler - 01.

Excused: Representatives McLean, Miller - 02.

House Bill No. 1431, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

On final passage of House Bill No. 1431 it was my intention to vote "yes."
GARY CHANDLER, 13th District.

HOUSE BILL NO. 1510, by Representatives R. Meyers and Padden

Changing provisions relating to guardianship.

The bill was read the second time.

Mr. Ludwig moved that the committee recommendation be adopted (For committee amendments, see Journal, 57th Day, March 11, 1991.) and the engrossed substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1510.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1510, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell,

Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives McLean, Miller - 02.

Engrossed Substitute House Bill No. 1510, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2137 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2137, by Representatives Wang, Holland, Ebersole, Ballard, Appelwick, Fraser, McLean, May, Winsley, Phillips, Peery, Bowman and Miller

Changing excise tax on carbonated beverages and syrups.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 2137 was substituted for House Bill No. 2137, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2137 was read the second time.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Holland, Fraser and Wynne:

Strike everything after the enacting clause and insert:

Sec. 1. RCW 82.64.010 and 1989 c 271 s 505 are each amended to read as follows:

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

(1) "Carbonated beverage" has its ordinary meaning and includes any nonalcoholic liquid intended for human consumption which contains carbon dioxide, whether carbonation is obtained by natural or artificial means.

(2) (~~"Possession" means the control of a carbonated beverage or syrup located within this state and includes both actual and constructive possession. "Actual possession" occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a carbonated beverage or syrup or to authorize the sale or use by another.~~

(3)) "Previously taxed carbonated beverage or syrup" means a carbonated beverage or syrup in respect to which a tax has been paid under this chapter. A "previously taxed carbonated beverage" includes carbonated beverages in respect to which a tax has been

paid under this chapter on the carbonated beverage or on the syrup in the carbonated beverage.

((4)) (3) "Syrup" means a concentrated liquid which is added to carbonated water to produce a carbonated beverage.

((5)) (4) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

Sec. 2. RCW 82.64.020 and 1989 c 271 s 506 are each amended to read as follows:

(1) A tax is imposed on ~~((the privilege of possession))~~ each sale at wholesale of a carbonated beverage or syrup in this state. The rate of the tax shall be equal to eighty-four one-thousandths of a cent per ounce for carbonated beverages and seventy-five cents per gallon for syrups. Fractional amounts shall be taxed proportionally.

(2) A tax is imposed on each sale at retail of a carbonated beverage or syrup in this state. The rate of the tax shall be equal to the rate imposed under subsection (1) of this section. (3) Moneys collected under this chapter shall be deposited in the drug enforcement and education account under RCW 69.50.520.

((3)) (4) Chapter 82.32 RCW applies to the taxes imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the taxes imposed in this chapter.

Sec. 3. RCW 82.64.030 and 1989 c 271 s 507 are each amended to read as follows:

The following are exempt from the taxes imposed in this chapter:

(1) Any successive ~~((possession))~~ sale of a previously taxed carbonated beverage or syrup. ~~((If tax due under this chapter has not been paid with respect to a carbonated beverage or syrup, the department may collect the tax from any person who has had possession of the carbonated beverage or syrup. If the tax is paid by any person other than the first person having taxable possession of a carbonated beverage or syrup, the amount of tax paid constitutes a debt owed by the first person having taxable possession to the person who paid the tax.))~~

(2) Any carbonated beverage or syrup that is transferred to a point outside the state for use outside the state. The department shall provide by rule appropriate procedures and exemption certificates for the administration of this exemption.

(3) ~~((Any possession of a carbonated beverage or syrup where the first possession occurred before July 1, 1989))~~ Any sale of trademarked carbonated beverage or syrup by any person to a person who is licensed by the owner of the trademark to manufacture, distribute, or sell such trademarked carbonated beverage or syrup.

(4) Any sale of carbonated beverage or syrup in respect to which a tax on the privilege of possession was paid under this chapter before the effective date of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 82.64 RCW to read as follows:

(1) The tax imposed in RCW 82.64.020(1) shall be paid by the buyer to the wholesaler and each wholesaler shall collect from the buyer the full amount of the tax payable in respect to each taxable sale, unless the wholesaler is prohibited from collecting the tax from the buyer under the Constitution of this state or the Constitution or laws of the United States. Regardless of the obligation to collect the tax from the buyer, the wholesaler is liable to the state for the amount of the tax. The buyer is not obligated to pay or report the tax imposed in RCW 82.64.020(1) to the department.

(2) The tax required to be collected by the wholesaler shall be stated separately from the selling price in any sales invoice or other instrument of sale.

(3) Any wholesaler who fails or refuses to collect tax under this section, with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, is guilty of a misdemeanor.

(5) The amount of tax required to be collected under this section shall constitute a debt from the buyer to the wholesaler until paid by the buyer to the wholesaler.

NEW SECTION. Sec. 5. A new section is added to chapter 82.64 RCW to read as follows:

(1) Each retailer at a retail store with a sales and storage area totaling more than four thousand square feet may:

(a) Include in all print advertising of carbonated beverages a notice with the statement specified in subsection (2) of this section.

(b) Post shelf notices with the statement specified in subsection (2) of this section. Shelf notices shall be provided by the wholesaler, and shall be posted by the wholesaler or the retailer next to each price label on the carbonated beverage shelves of the retail store.

(2) Each notice under this section shall state: "Price includes (amount) Washington Drug Fund Tax." In the notice, "(amount)" shall be replaced with the specific amount of the tax imposed under this chapter upon the quantity of carbonated beverage for which the price is stated.

(3) This section does not apply to the sale, advertising, or shelf display of:

(a) Syrups;

(b) Carbonated beverages sold through vending machines;

(c) Carbonated beverages dispensed into open containers;

(d) Carbonated beverages sold by a wholesaler who is prohibited under RCW 66.28.010 from having a direct or indirect financial interest in any retail business.

NEW SECTION. Sec. 6. The taxes imposed in this act are intended to raise revenue for the enforcement of the drug laws of the state. It is the policy of the state to actively combat the problem of drug abuse by aggressive enforcement of the state's drug laws and by extensive promotion of public education programs designed to increase public and consumer awareness of the state's drug problem and its enforcement measures. Pursuant to this policy, the retailers and wholesalers subject to the provisions of this chapter are authorized and encouraged to agree on procedures for posting notices under section 5 of this act.

Sec. 7. RCW 82.64.040 and 1989 c 271 s 508 are each amended to read as follows:

(1) Credit shall be allowed, in accordance with rules of the department, against the taxes imposed in this chapter for any carbonated beverage or syrup tax paid to another state with respect to the same carbonated beverage or syrup. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to that carbonated beverage or syrup.

(2) For the purpose of this section:

(a) "Carbonated beverage or syrup tax" means a tax:

(i) That is imposed on the ~~((act or privilege of possessing))~~ the sale at wholesale of carbonated beverages or syrup and that is not generally imposed on other activities or privileges; and

(ii) That is measured by the volume of the carbonated beverage or syrup.

(b) "State" means (i) a state of the United States other than Washington, or any political subdivision of such other state, (ii) the District of Columbia, and (iii) any foreign country or political subdivision thereof.

NEW SECTION. Sec. 8. The amendatory sections and repealers of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under those sections as they existed before this act or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1991.

Mr. Wang spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Wang, Holland, Fraser and Wynne to the title was adopted:

On page 1, line 2 of the title, after "82.64.020," strike everything through "82.64.040" on line 3 and insert "82.64.030, and 82.64.040; adding new sections to chapter 82.64 RCW; creating new sections"

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2137, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives McLean, Miller - 02.

Engrossed Substitute House Bill No. 2137, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 18, 1991

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1115,

HOUSE JOINT MEMORIAL NO. 4020,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

HOUSE BILL NO. 1286, by Representatives Franklin, Winsley, R. King and Wineberry

Revising collective bargaining provisions for superior court employees.

The bill was read the second time.

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

Representatives Franklin and Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1286, and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betzoff, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Ballard, Bowman, Brumsickle, Nealey, Silver - 05.

Excused: Representatives McLean, Miller - 02.

House Bill No. 1286, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1389, by Representatives Fraser, Winsley, Rust and Belcher

Regulating aquatic plants.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Environmental Affairs as amended by Committee on Revenue. (For committee amendments, see Journal, 51st Day, March 5, 1991.)

On motion of Ms. Rust, Substitute House Bill No. 1389 was substituted for House Bill No. 1389, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1389 was read the second time.

Mr. Wang moved adoption of the committee amendment by Committee on Revenue and spoke in favor of it. The committee amendment was adopted.

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

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

Representatives Fraser and Wynne spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1389, and the bill passed the House by the following vote: Yeas - 87, Nays - 9, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Ballard, Beck, Casada, Hochstatter, Inslee, Padden, Tate, Vance, Van Luven - 09.

Excused: Representatives McLean, Miller - 02.

Engrossed Substitute House Bill No. 1839, having received the constitutional majority, was declared passed.

Representative McLean appeared at the bar of the House.

HOUSE BILL NO. 1588, by Representatives Pruitt, Bowman, Anderson, McLean and Paris; by request of State Board of Accountancy

Regulating the board of accountancy.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on State Government as amended by Committee on Revenue. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Pruitt, Substitute House Bill No. 1588 was substituted for House Bill No. 1588, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1588 was read the second time.

Mr. Wang moved adoption of the committee amendment by Committee on Revenue.

Ms. Silver moved adoption of the following amendment by Representatives Silver, Morris and Holland to the committee amendment:

On page 2, line 18, after "(6)" strike all material through line 22 and insert "The board may employ personnel and"

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

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

Mr. McLean spoke in favor of the amendment to the committee amendment, and Mr. O'Brien spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 2 by Representative Silver and others to the committee amendment to Substitute House Bill No. 1588, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 52, Absent - 1, Excused - 1.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Former, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Nelson, Padden, Paris, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky - 44.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Myers, H., O'Brien, Ogden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, and Mr. Speaker - 52.

Absent: Representative Orr - 01.

Excused: Representative Miller - 01.

Representative Miller appeared at the bar of the House.

The Clerk read the following amendment by Representative McLean to the committee amendment:

On page 3, line 1, after "(6)" strike all material through "governor." on page 3, line 2, and insert "The board shall appoint an executive director to serve at the pleasure of the board."

With consent of the House, Representative McLean withdrew the amendment to the committee amendment.

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

On page 4, after line 13, insert:

"Sec. 4. RCW 18.04.065 and 1983 c 234 s 24 are each amended to read as follows:

The Board shall set its fees at a level adequate to pay the costs of administering this chapter. Eighty percent of the fees for certified public accountants' licenses, certificates, renewals of licenses, renewals of certificates, and delinquent filings received under the authority of this chapter shall be deposited in the certified public accountants' account created by RCW 18.04.105. Appropriation from such account shall be made only for the cost of administering the provisions of this chapter. Twenty percent of the fees for certified public accountants' licenses, certificates, renewals of licenses, renewals of certificates, and delinquent filings received under the authority of this chapter shall be deposited to the state general fund."

Re-number remaining sections consecutively and correct internal references.

On page 9, after line 22, insert:

"NEW SECTION. Sec. 8. The state treasurer, on the effective date of this act, shall transfer from the general fund to the certified public accountants' account an amount equal to eighty percent of the amount by which the board's general fund fee revenues for the 1989-91 biennium exceeded the board's general fund appropriations for that biennium."

Re-number remaining sections consecutively and correct internal references.

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

MOTION

Mr. Dorn moved that the House defer further consideration of Substitute House Bill No. 1588 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1649, by Representative Rust; by request of Department of Ecology and Office of Financial Management

Updating municipality water discharge fees.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Environmental Affairs.

On motion of Ms. Rust,, Substitute House Bill No. 1649 was substituted for House Bill No. 1649, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1649 was read the second time.

Mr. Wynne moved adoption of the following amendment by Representatives Wynne and Horn:

On page 2, after line 24, insert a new subsection:

"(4) The fees charged industrial other dischargers shall not be used by the department to subsidize the costs of activities authorized under subsection (1) for

municipal dischargers; and, the fees charged municipal dischargers shall not be used by the department to subsidize the costs of activities authorized under subsection (1) for industrial and other dischargers."

Renumber the remaining subsections sequentially.

Mr. Wynne spoke in favor of adoption of the amendment, and Ms. Rust spoke against it. The amendment was not adopted.

Representative Chandler moved adoption of the following amendment by Representatives Chandler and Van Luven:

On page 2, line 26, after "dischargers" insert "and on indirect dischargers who funnel waste water to a municipal processing facility"

POINT OF ORDER

Ms. Rust: Thank you, Mr. Speaker. I would the Speaker to rule on the scope and object of this amendment.

MOTION

Mr. Dorn moved that the House defer further consideration of Substitute House Bill No. 1649 and that the bill hold its place on the second reading calendar. The motion was carried.

MOTION

Mr. Dorn moved that the House defer consideration of House Bill No. 1653 and House Bill No. 1679 and that the bills hold their places on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1777, by Representatives H. Sommers, Schmidt, Hargrove, Braddock, Leonard, Winsley, Fraser, Bowman, Zellinsky, Holland, Paris, Basich and May; by request of Department of Corrections

Expediting new prison construction.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass substitute. Committee on Capital Facilities recommendation: Majority, do pass substitute by Committee on Human Services as amended by Committee on Capital Facilities & Financing. (For committee amendments, see Journal, 52nd Day, March 6, 1991.)

On motion of Ms. H. Sommers, Substitute House Bill No. 1777 was substituted for House Bill No. 1777, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1777 was read the second time.

Ms. H. Sommers moved adoption of the committee amendment by Committee on Capital Facilities & Financing and spoke in favor of it. The committee amendment was adopted.

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

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

Representatives H. Sommers and Hargrove spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. H. Sommers yielded to question by Mr. Heavey.

Mr. Heavey: Representative Sommers, Section 2 of Engrossed Substitute House Bill No. 1777 specifically waives the requirements of RCW 39.04.010 for major prison construction projects. Part of that statute refers to public works bids being subject to prevailing wages. Is it your intention to exempt the Department of Corrections from the prevailing wage requirement?

Ms. H. Sommers: No, that is not the intent of Engrossed Substitute House Bill No. 1777. The intent here is to provide a public works process that will speed up the time it takes to construct a prison. It does not amend in any way, directly or indirectly, the prevailing wage law which is covered under RCW 39.12.020.

Mr. Heavey spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1777, and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Heavey, Moyer, Orr, Padden - 04.

Engrossed Substitute House Bill No. 1777, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1813, by Representatives Peery, Betrozoff, Phillips, Jacobsen, Ebersole, Orr, Rasmussen, Ogden, Franklin, Cooper, Hine, H. Myers and O'Brien; by request of Superintendent of Public Instruction and Board of Education

Changing provisions relating to teacher training and recruitment.

The bill was read the second time. Committee on Education recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Education as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Peery, Substitute House Bill No. 1813 was substituted for House Bill No. 1813, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1813 was read the second time.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations and spoke in favor of it. The committee amendment was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1813, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1813, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1828, by Representative Appelwick

Providing regulations for the disclosure of health care records.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1828 was substituted for House Bill No. 1828, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1828 was read the second time.

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

Representatives Appelwick and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1828, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1828, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately resume consideration of Substitute House Bill No. 1588 on the regular second reading calendar. The motion was carried. (For previous action, see today's Journal.)

SUBSTITUTE HOUSE BILL NO. 1588, by House Committee on State Government (originally sponsored by Representatives Pruitt, Bowman, Anderson, McLean and Paris; by request of State Board of Accountancy)

Regulating the board of accountancy.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be adoption of the committee amendment by Committee on Revenue as amended.

The committee amendment as amended was adopted.

Mr. Wang moved adoption of the committee amendment by Committee on Revenue to the title.

With consent of the House, the following amendment by Representative Pruitt to the committee amendment to the title was adopted:

On page 10, strike line 8 of the title amendment and insert "18.04.055, 18.04.065, 18.04.295, 18.04.345, and 18.04.350; creating a new section; providing an effective"

The committee amendment as amended to the title was adopted.

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

Representatives Pruitt and O'Brien spoke in favor of passage of the bill, and Representatives Silver and McLean spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1588, and the bill passed the House by the following vote: Yeas - 57, Nays - 40, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Myers, H., Nealey, Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Spanel, Sprenkle, Valle, Wang, Wineberry, and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Forner, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, Neher, Orr, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky - 40.

Absent: Representative Sommers, H. - 01.

Engrossed Substitute House Bill No. 1588, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider House Bill No. 1399 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1399, by Representatives Beck, Cantwell, Heavey, Sheldon, Forner, R. King, Casada, Roland, Moyer, Betrozoff and G. Fisher

Expanding electronic equipment warranties.

The bill was read the second time. On motion of Mr. Heavey, Substitute House Bill No. 1399 was substituted for House Bill No. 1399, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1399 was read the second time.

Mr. Beck moved adoption of the following amendment by Representatives Beck and Cantwell:

On page 1, strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that electronic equipment manufacturers, as a matter of practice, warrant their equipment against certain defects. The warranties may be honored by retailers of the manufacturers' products as part of their contractual obligation or by independent maintenance and service facilities. The legislature also finds that consumers do not always receive prompt, complete service that returns the product to its working condition at the time of purchase because manufacturers cannot always supply the necessary parts promptly or at a price that keeps the warranty service within the retailer's cost of doing business. Because of these problems, some of the service costs are transferred to customers seeking service without warranties. The legislature further finds that a strong competitive market requires manufacturers and sellers who fully stand behind their products by complying with the spirit of the warranty. The legislature declares that it is in the public interest to establish certain elements as characteristic of express electronic equipment warranties to protect the consumer from dilatory and unfair practices and from manufacturers discontinuing the manufacture of replacement parts within the time period that can be reasonably anticipated as necessary to effect repairs.

NEW SECTION. Sec. 2. For the purposes of this chapter the following definitions apply.

(1) "Buyer" or "retail buyer" means an individual who buys electronic equipment from a person engaged in the business of manufacturing, distributing, or selling such goods at retail.

(2) "Distributor" means a person that stands between the manufacturer and the retail seller in purchases, consignments, or contracts for sale of electronic equipment.

(3) "Independent repair or service facility" or "independent service dealer" means a person or business, not an employee or subsidiary of a manufacturer or distributor, that engages in the business of servicing and repairing consumer goods.

(4) "Retailer," "seller," or "retail seller" means a person who engages in the business of selling electronic goods to retail buyers. (5) "Person" means an individual, partnership, corporation, association, or other legal entity.

(6) "Home electronic equipment" means a television/monitor, radio, antenna rotator, audio or video recorder or playback equipment, video camera, video game, if it is normally used or sold for personal, family, or household purposes. The term includes any

electronic accessory that is normally used or sold with a home electronic product for one of those purposes. The term excludes any single product with a wholesale price to the retail seller of less than one hundred twenty five dollars.

(7) "Home appliance" means a refrigerator, freezer, range, microwave or convection oven, washer, dryer, dishwasher, garbage disposal, trash compactor, or room air conditioner normally used or sold for personal, family, or household purposes. The term excludes any single product with a wholesale price to the retail seller of less than one hundred twenty five dollars.

(8) "Parts" means individual components of assemblies or circuit boards.

(9) "Literature" means service literature only.

NEW SECTION. Sec. 3. In addition to the requirements of RCW 62A.2-313 every warranty shall state that the warranty period shall be extended for the number of days that the product has been in the repair facility for warranty repairs. If a defect exists within the warranty period and the buyer takes the product to a repair facility for servicing, the warranty shall not expire until the defect has been fixed. The warranty period shall also be extended if the repairs fail within ten days after they were completed. If, after four repair attempts, the defect has not been fixed, the buyer may return the product within sixty days of the completion of the fourth repair for a replacement or refund, subject to the deduction of a reasonable charge for use. This time extension does not affect the protections or remedies the buyer has under other laws.

NEW SECTION. Sec. 4. Every work order or repair invoice for warranty repairs or service shall clearly and conspicuously incorporate in ten point boldface type the following statement either on the face or the reverse side of the work order or repair invoice, or on an attachment to the work order or repair invoice:

A buyer of this product in this state has the right to have this product serviced or repaired during the warranty period. The warranty period is extended for the number of whole days that the product has been out of the buyer's hands for warranty repairs if the buyer takes the product to the repair facility prior to the warranty expiration date. The warranty period is also extended if the warranty repairs have not been performed because parts are not available from the manufacturer, or if the warranty repairs fail within ten days after they were completed. If, after four repair attempts the defect has not been fixed, the buyer may return the product within sixty days of the completion of the fourth repair attempt for a replacement or a refund, subject to the deduction of a reasonable charge for use. This time extension does not affect the protections or remedies the buyer had under other laws.

NEW SECTION. Sec. 5. If a manufacturer of home electronic equipment and appliances sold in this state makes an express warranty on such equipment or appliance, the manufacturer shall maintain sufficient service and repair facilities in this state that are reasonably close to all areas in which its electronic equipment and appliances are sold, except for mail order businesses, or may designate and authorize independent repair or service facilities in this state that are reasonably close to all areas in which its electronic appliances are sold, to carry out the terms of the warranties. As a means of complying with this section, a manufacturer may enter into warranty service contracts with independent service and repair facilities.

NEW SECTION. Sec. 6. A manufacturer entering into a warranty service contract with an independent service and repair facility may include a fixed schedule of rates to be charged for warranty service or warranty repair work. However, the rates fixed by these contracts shall include the actual cost of service and repair, plus a twenty percent markup on part costs and shipping costs, and a reasonable profit on labor. The rates established between the manufacturer and the independent service and repair facility shall not preclude a good faith discount that is reasonably related to reduced credit and general overhead cost factors arising from the manufacturer's payment of warranty charges direct

to the independent service and repair facility. The discount may consider all extra services the manufacturer provides to the independent authorized service dealer. The warranty service contracts authorized by this section may not cover more than one year, and may be renewed only by a separate, new contract or letter of agreement between the manufacturer and the independent service and repair facility. The manufacturer who is a party to a warranty service contract is only liable to the other party for repairs performed under warranty.

NEW SECTION. Sec. 7. Every manufacturer contracting with an independent facility for maintenance and repair of electronic or appliance products shall make service literature and replacement parts available to effect repairs within thirty days of the request from the service repair facility. However, the thirty day requirement may be suspended during a period of a national emergency or natural disaster. If the manufacturer fails to supply the necessary part or literature within thirty days of the service repair facility's request, the manufacturer shall replace the nonworking equipment or appliance with new equipment or appliance upon the owner's request. Replacement parts and literature for products with a wholesale price to retailers of not less than one hundred twenty-five dollars and not more than one hundred seventy-five dollars and ninety-nine cents, shall be available at the service dealer's wholesale cost to all established independent service and repair facilities who service the products, whether or not under contract to provide warranty services, for three years after the date the product model or type was last manufactured, regardless of whether the three-year period exceeds the warranty period for the product. Replacement parts and literature for products with a wholesale price to retailers of not less than one hundred seventy-six dollars, shall be available, at the service dealer's wholesale cost, to all established independent service and repair facilities who service the products, whether or not under contract to provide warranty services, for seven years after the date the product model or type was last manufactured, regardless of whether the seven-year period exceeds the warranty period for the product.

NEW SECTION. Sec. 8. Every manufacturer making express warranties whose consumer goods are sold in this state shall be liable as prescribed in this section to any authorized independent service center that performs services or incurs obligations under the express warranties that accompany the manufacturer's consumer goods. The amount of the liability shall be an amount equal to the actual and reasonable costs of the service and repair, including cost plus twenty percent on parts and any reasonable cost of transporting the goods or parts, plus a reasonable profit on labor, which shall not preclude a good faith discount as described in section 6 of this act. There is a rebuttable presumption affecting the burden of producing evidence that the reasonable cost of service or repair is an amount equal to that which is charged by the independent serviceman for like services or repairs rendered to service or repair customers who are not entitled to warranty protection. Any waiver of the liability of a manufacturer shall be void and unenforceable.

NEW SECTION. Sec. 9. A dispute initiated by either party arising from cancellation of a warranty service center contract that cannot be resolved by the parties to the contract must be presented to the American arbitration association or a dispute resolution center operated under chapter 7.75 RCW for third-party committee mediation. Contracts cannot be canceled on the basis of an allegation of nonperformance of contractual obligations without a hearing by the committee. Only after a hearing and a showing of a good faith attempt at resolution may a disputant file a legal action. The statute of limitations controlling filing legal action to resolve a contract dispute shall be tolled for a period of six months or until the third-party mediator takes a final action, either resolving the dispute or declaring it unresolvable, whichever come first.

NEW SECTION. Sec. 10. Any protections or remedies in this chapter do not preclude recovery under the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Representatives Beck and Heavey spoke in favor of adoption of the amendment, and it was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1399, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1399, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider House Bill No. 2031 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2031, by Representatives Grant, Neher, Bray and Ludwig; by request of Utilities & Transportation Commission

Providing rate regulation for low-level waste sites.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 2031 was substituted for House Bill No. 2031, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2031 was read the second time.

Mr. Grant moved adoption of the following amendments by Representatives Grant and Bray:

On page 12, line 28, after "to" strike "particular types of waste accepted at"

On page 13, line 4, after "generators" strike "of a particular type"

On page 13, line 7, after "sites" strike "for a particular type of waste"

On page 13, line 20, after "extent" strike "such discrimination is required by federal law" and insert ", through December 31, 1994, such discrimination is authorized by amendment of current federal law"

On page 13, line 23, after "receiving" strike "a particular type of"

On page 13, line 24, after "similar" strike "circumstances" and insert "terms and conditions"

On page 14, after line 5, insert "(3) When such an exemption is in effect, any increase in rates charged by the operator effective January 1, 1993 for services other than the base rate for disposal of solid material in packages of twelve cubic feet or less shall be no more than the percentage increase in said base rate in effect on January 1, 1993."

On page 14, line 8, after "competitive" strike "as to any or all services"

On page 14, line 13, after "as" insert "a"

On page 14, line 13, after "competitive" strike "as to a particular type of waste" and insert "company"

On page 14, line 17, after "a" strike "particular type of waste disposal operation" and insert "company"

Mr. Grant spoke in favor of adoption of the amendments, and they were adopted.

Mr. Grant moved adoption of the following amendments by Representatives Grant and Bray:

On page 22, at the beginning of line 3, strike section 16 in entirety and insert:

"Sec. 16. RCW 43.200.080 and 1990 c 21 s 6 are each amended to read as follows:

Additional powers and duties of director--Perpetual maintenance fund. The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the

department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The perpetual maintenance fund is created in the state treasury. The treasurer shall place the money in a special fund which may be designated the "perpetual maintenance fund." The perpetual maintenance fund shall be comprised of a site closure account and a perpetual surveillance and maintenance account. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. Moneys which on July 23, 1989, are in the perpetual maintenance account shall be transferred to the perpetual surveillance and maintenance account. All moneys currently administered by the department of ecology for closure of the Hanford low-level radioactive waste disposal facility shall be transferred to the site closure account within the perpetual maintenance fund. All future moneys, including interest, contributed to the perpetual maintenance fund shall be directed to the site closure account until December 31, 1992. Thereafter receipts shall be directed to the perpetual maintenance fund as specified by the department. Moneys in the perpetual maintenance fund shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance fund. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the perpetual maintenance fund;

(3) To collect after January 1, 1993 as an added charge on each cubic foot of waste disposed at any facility in the state a surcharge of seven dollars. The surcharge shall be made specifically on the generator of the waste and shall not be considered applicable in any way to the low-level site operator's disposal activities. Five dollars of the surcharge shall be deposited in the fund created in section 17 of this act and two dollars of the surcharge shall be remitted monthly to a county in which a low-level radioactive waste disposal facility is located.

~~(4)(3)~~ To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

~~(5)(4)~~ To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management; and

(6)~~((5))~~ To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

(7)~~((6))~~ To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The initial set of plans shall be completed by October 1, 1989, and shall be updated annually. The department shall report annually on the plans and on the balances in the site closure and perpetual surveillance accounts to the energy and utilities committees of the senate and the house of representatives."

On page 23, line 5, after "RCW" strike "43.145.020" and insert "43.200.080"

On page 23, line 6, after "to" strike "a" and insert "the"

On page 23, line 7, after "of" strike "the" and insert "an economic development district which is a component of any"

On page 23, at the beginning of line 12, strike section 18 in entirety.

Renumber succeeding sections

Mr. Grant spoke in favor of adoption of the amendments, and Mr. May spoke against them.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be adoption of the amendments on pages 22 and 23 by Representatives Grant and Bray to Substitute House Bill No. 2031.

A division was called. The Speaker (Mr. R. Meyers presiding) called upon the House to divide. The result of the division was: Yeas - 57, Nays -41. The amendments were adopted.

With consent of the House, the following amendment by Representatives Grant and Bray to the title was adopted:

On page 1, line 2 of the title, after "and" strike "43.145.020" and insert "43.200.080"

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

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

The Speaker resumed the Chair.

Mr. May spoke against passage of the bill, and Mr. Grant again spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2031, and the bill passed the House by the following vote: Yeas - 67, Nays - 31, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, Meyers, R., Morris, Morton, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, Wood, Wynne, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Horn, Johnson P., May, McLean, Mielke, Miller, Mitchell, Moyer, Nealey, Paris, Prince, Silver, Sommers, D., Tate, Vance, Van Luven, Winsley - 31.

Engrossed Substitute House Bill No. 2031, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Mr. R. Meyers presiding) called the House to order.

HOUSE BILL NO. 1852, by Representatives Wang and Holland; by request of Department of Community Development and Office of Financial Management)

Providing funding for the fire services fund.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1852 was substituted for House Bill No. 1852, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1852 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1852, and the bill passed the House by the following vote: Yeas - 73, Nays - 25, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betrozoff, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen,

Leonard, Locke, Ludwig, May, Meyers, R., Miller, Mitchell, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Ballard, Beck, Bowman, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Fuhrman, Hochstatter, Johnson P., Lisk, McLean, Mielke, Morris, Morton, Moyer, Nealey, Padden, Prince, Silver, Sommers, D., Tate, Vance, Van Luven - 25.

Substitute House Bill No. 1852, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1335, by Representatives Nelson, Franklin, Ogden, Leonard, Wineberry, Mitchell, Winsley, Phillips, Jacobsen, Jones, Brekke, Spanel, Scott and Anderson

Providing an energy assistance and conservation program for low-income house holds.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Housing as amended by Committee on Revenue. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Nelson, Substitute House Bill No. 1355 was substituted for House Bill No. 1335, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1335 was read the second time.

MOTION

Mr. Dorn moved that the House defer consideration of Substitute House Bill No. 1335 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1938, by Representatives Fraser, Grant, May, Winsley, Roland, Riley, Miller, Phillips, O'Brien, Rasmussen, Sheldon, Basich, Ogden, Orr, Bray, Pruitt and Sprenkle

Creating a state-wide enhanced 911 network.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Energy & Utilities as amended by Committee on Appropriations. (For committee amendment, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Grant, Substitute House Bill No. 1938 was substituted for House Bill No. 1938, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1938 was read the second time.

On motion of Mr. Wang, the committee amendment was adopted.

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

Representatives Fraser, May, Braddock, Heavey and Basich spoke in favor of passage of the bill, and Representatives Hine, Haugen and McLean spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1938, and the bill passed the House by the following vote: Yeas - 51, Nays - 47, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Braddock, Bray, Brekke, Casada, Cole, Cooper, Day, Dellwo, Ebersole, Edmondson, Fisher, R., Franklin, Fraser, Grant, Heavey, Holland, Horn, Jacobsen, Johnson P., Jones, King, R., Leonard, Locke, Ludwig, May, Miller, Morris, Myers, H., Nealey, Nelson, O'Brien, Ogden, Orr, Paris, Phillips, Pruitt, Rasmussen, Rayburn, Riley, Roland, Scott, Sheldon, Sommers, H., Sprenkle, Wang, Wineberry, Wood, and Mr. Speaker - 51.

Voting nay: Representatives Ballard, Beck, Belcher, Betzoff, Bowman, Broback, Brough, Brumsickle, Cantwell, Chandler, Dorn, Ferguson, Fisher, G., Forner, Fuhman, Hargrove, Haugen, Hine, Hochstatter, Inslee, Johnson R., Kremen, Lisk, McLean, Meyers, R., Mielke, Mitchell, Morton, Moyer, Neher, Padden, Peery, Prentice, Prince, Rust, Schmidt, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wilson, Winsley, Wynne, Zellinsky - 47.

Engrossed Substitute House Bill No. 1938, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1946, by Representatives Ogden, Cooper, H. Myers, Morris, Peery and Riley

Designating the Erwin O. Rieger Memorial Highway.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1946, and the bill passed the House by the following vote: Yeas - 69, Nays - 29, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Brumsickle, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Miller, Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, and Mr. Speaker - 69.

Voting nay: Representatives Ballard, Broback, Brough, Casada, Chandler, Edmondson, Fuhrman, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Mitchell, Morton, Orr, Padden, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Winsley, Wood, Wynne, Zellinsky - 29.

House Bill No. 1946, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1955, by Representatives Rayburn, Nealey, Kremen, McLean, Roland, Inslee, Rasmussen, Basich and Brekke; by request of Department of Agriculture

Changing provisions regarding misbranded or adulterated food.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1955, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1955, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of House Bill No. 1956 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1993, by Representative Peery

Concerning stadiums, and convention and performing arts centers.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1993 was substituted for House Bill No. 1993, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1993 was read the second time.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1993, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1993, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4018, by Representatives Jones, Ogden, Cooper, R. Fisher, Peery, Ebersole, Fraser, Riley, H. Myers, Wang, Edmondson, Winsley, Bowman, Casada and D. Sommers

Concerning tax of retirement income.

The memorial was read the second time.

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

Representatives Jones and Holland spoke in favor of passage of the memorial, and Ms. Rust spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4018, and the memorial passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives Prentice, Rust - 02.

House Joint Memorial No. 4018, having received the constitutional majority, was declared passed.

HOUSE JOINT RESOLUTION NO. 4218, by Representative Appelwick

Amending the Constitution as to the allowable number of county court commissioners.

The resolution was read the second time.

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

Mr. Appelwick spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Resolution No. 4218, and the resolution passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R.,

Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Joint Resolution No. 4218, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1105, by Representatives Jones, Betrozoff, Kremen, Dellwo, Hargrove, Inslee, Miller, Fraser, Haugen, Wilson, Winsley, Ferguson, Riley, Broback, Edmondson, D. Sommers, May, Wynne, Chandler, Brumsickle and Orr

Exempting property in this state from execution in favor of another state.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1105 was substituted for House Bill No. 1105, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1105 was read the second time.

Mr. Jones moved adoption of the following amendment:

On page 2, line 14, after "pay" insert "state"

Mr. Jones spoke in favor of adoption of the amendment, and it was adopted.

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

Representatives Jones, Holland, Betrozoff, Morris and Ferguson spoke in favor of passage of the bill, and Mr. Appelwick spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1105, and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Basich, Beck, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prince, Pruitt, Rayburn, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Insee, Ludwig, Phillips, Prentice, Rasmussen, Riley, Rust, Sommers, H., Wang - 14.

Engrossed Substitute House Bill No. 1105, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1598, by Representatives Basich, Jacobsen, Hine, Peery, Hargrove, Sheldon, Jones, H. Myers, Winsley and G. Fisher

Enhancing the future teacher conditional scholarship program.

The bill was read the second time. On motion of Mr. Jacobsen, Substitute House Bill No. 1598 was substituted for House Bill No. 1598, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1598 was read the second time.

Ms. Wood moved adoption of the following amendments by Representatives Wood and Moyer:

On page 1, line 10, after "schools" insert "and private schools in compliance with Chapter 28A.195 RCW"

On page 2, line 29, after "tribes," insert "private schools in compliance with Chapter 28A.195 RCW,"

Representatives Wood and Moyer spoke in favor of adoption of the amendments, and Representatives Pruitt and Jacobsen spoke against them.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be adoption of the amendments on pages 1 and 2 by Representatives Wood and Moyer to Substitute House Bill No. 1598.

A division was called. The Speaker (Mr. R. Meyers presiding) called upon the House to divide. The result of the division was: Yeas - 40, Nays - 57. The amendments were not adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1598, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen,

Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1598, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2140, by Representatives Schmidt, R. Fisher, H. Sommers, Holland, Franklin, Wilson and Betrozoff

Assisting transportation agencies in budgeting and planning.

The bill was read the second time. On motion of Ms. R. Fisher, Substitute House Bill No. 2140 was substituted for House Bill No. 2140, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2140 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2140, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2140, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1009, by Representatives Haugen, Wilson, Zellinsky, Wood, Pruitt, Winsley, Van Luven, Brough, Mitchell, Wynne and Rayburn

Authorizing community councils for unincorporated areas.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1009, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1009, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of House Bill No. 1025 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1032, by Representatives Haugen, Ferguson, Cooper, Nealey and Chandler

Providing county reimbursement for selected transportation of human remains.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1032, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1032, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1073, by Representatives O'Brien, Anderson, Pruitt, Wineberry, Rasmussen, Franklin, P. Johnson, Casada and Tate

Dealing with voter registration for high school students.

The bill was read the second time.

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

Mr. O'Brien spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1073, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1073, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1083, by Representatives Braddock and Sprenkle; by request of Health Care Authority

Revising provisions for voluntary payroll deductions for public employees.

The bill was read the second time.

Mr. Braddock moved adoption of the following amendment:

On page 6, line 26, after "entity," insert "The contract bidding process shall be subject to the requirements of chapter 39.19 RCW and shall ensure that minority and women-owned and controlled firms are afforded the maximum practicable opportunity to compete for and obtain such contracts."

Mr. Braddock spoke in favor of adoption of the amendment, and it was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1083, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1083, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1088, by Representatives Appelwick and Paris

Adopting the uniform transfers to minors act.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 1088 was substituted for House Bill No. 1088, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1088 was read the second time.

Mr. Appelwick moved adoption of the following amendment by Representative Appelwick and Padden:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult" means an individual who has attained the age of twenty-one years.

(2) "Benefit plan" means an employer's plan for the benefit of an employee or partner.

(3) "Broker" means a person lawfully engaged in the business of effecting transactions in securities or commodities for the person's own account or for the account of others.

(4) "Guardian" means a person appointed or qualified by a court to act as general, limited, or temporary guardian of a minor's property or a person legally authorized to perform substantially the same functions. Conservator means guardian for transfers made under another state's law but enforceable in this state's courts.

(5) "Court" means a superior court of the state of Washington.

(6) "Custodial property" means (a) any interest in property transferred to a custodian under this chapter and (b) the income from and proceeds of that interest in property.

(7) "Custodian" means a person so designated under section 9 of this act or a successor or substitute custodian designated under section 18 of this act.

(8) "Financial institution" means a bank, trust company, savings institution, or credit union, chartered and supervised under state or federal law.

(9) "Legal representative" means an individual's personal representative or guardian.

(10) "Member of the minor's family" means the minor's parent, stepparent, spouse, grandparent, brother, sister, uncle, or aunt, whether of the whole or half blood or by adoption.

(11) "Minor" means an individual who has not attained the age of twenty-one years.

(12) "Person" means an individual, corporation, organization, or other legal entity.

(13) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.

(14) "Transfer" means a transaction that creates custodial property under section 9 of this act.

(15) "Transferor" means a person who makes a transfer under this chapter.

(16) "Trust company" means a financial institution, corporation, or other legal entity, authorized to exercise general trust powers.

NEW SECTION. Sec. 2. SCOPE AND JURISDICTION. (1) This chapter applies to a transfer that refers to this chapter in the designation under section 9(1) of this act by which the transfer is made if at the time of the transfer, the transferor, the minor, or the custodian is a resident of this state or the custodial property is located in this state. The custodianship so created remains subject to this chapter despite a subsequent change in residence of a transferor, the minor, or the custodian, or the removal of custodial property from this state.

(2) A person designated as custodian under this chapter is subject to personal jurisdiction in this state with respect to any matter relating to the custodianship.

(3) A transfer that purports to be made and which is valid under the uniform transfers to minors act, the uniform gifts to minors act, or a substantially similar act of another state is governed by the law of the designated state and may be executed and is enforceable in this state if at the time of the transfer, the transferor, the minor, or the custodian is a resident of the designated state or the custodial property is located in the designated state.

(4) A matter under this chapter subject to court determination is governed by the procedures provided in chapter 11.96 RCW. However, no guardian ad litem is required for the minor, except under section 19(1) of this act, in the case of a petition by a unrepresented minor under the age of fourteen years.

NEW SECTION. Sec. 3. **NOMINATION OF CUSTODIAN.** (1) A person having the right to designate the recipient of property transferable upon the occurrence of a future event may revocably nominate a custodian to receive the property for a minor beneficiary upon the occurrence of the event by naming the custodian followed in substance by the words: "... as custodian for (name of minor) under the Washington uniform transfers to minors act." The nomination may name one or more persons as substitute custodians to whom the property shall be transferred, in the order named, if the first nominated custodian dies before the transfer or is unable, declines, or is ineligible to serve. The nomination may be made in a will, a trust, a deed, an instrument exercising a power of appointment, or in a writing designating a beneficiary of contractual rights which is registered with or delivered to the payor, issuer, or other obligor of the contractual rights.

(2) A custodian nominated under this section shall be a person to whom a transfer of property of that kind may be made under section 9(1) of this act.

(3) The nomination of a custodian under this section does not create custodial property until the nominating instrument becomes irrevocable or a transfer to the nominated custodian is completed under section 9 of this act. Unless the nomination of a custodian has been revoked, upon the occurrence of the future event the custodianship becomes effective and the custodian shall enforce a transfer of the custodial property pursuant to section 9 of this act.

NEW SECTION. Sec. 4. **TRANSFER BY GIFT OR EXERCISE OF POWER OF APPOINTMENT.** A person may make a transfer by irrevocable gift to, or the irrevocable exercise of a power of appointment in favor of, a custodian for the benefit of a minor pursuant to section 9 of this act.

NEW SECTION. Sec. 5. **TRANSFER AUTHORIZED BY WILL OR TRUST.** (1) A personal representative or trustee may make an irrevocable transfer pursuant to section 9 of this act to a custodian for the benefit of a minor as authorized in the governing will or trust. The personal representative or trustee may designate himself or herself as custodian provided he or she falls within the class of persons eligible to serve as custodian under section 9(1) of this act.

(2) If the testator or grantor has nominated a custodian under section 3 of this act to receive the custodial property, the transfer shall be made to that person.

(3) If the testator or grantor has not nominated a custodian under section 3 of this act, or all persons so nominated as custodian die before the transfer or are unable, decline, or are ineligible to serve, the personal representative or the trustee, as the case may be, shall designate the custodian from among those eligible to serve as custodian for property of that kind under section 9(1) of this act. The personal representative or trustee may designate himself or herself as custodian, provided he or she falls within the class of persons eligible to serve as custodian under section 9(1) of this act.

NEW SECTION. Sec. 6. **OTHER TRANSFER BY FIDUCIARY.** (1) A personal representative or trustee may make an irrevocable transfer to an adult or trust company for the benefit of a minor pursuant to section 9 of this act, in the absence of a will or under a will or trust that does not contain an authorization to do so, but only if:

(a) The personal representative or trustee, or the court if an order is requested under (c) of this subsection, considers the transfer to be in the best interest of the minor;

(b) The transfer is not prohibited by or inconsistent with provisions of the applicable will, trust instrument, or other governing instrument; and

(c) The transfer is authorized by the court if it exceeds thirty thousand dollars in value.

The personal representative, the trustee, or a member of the minor's family may select the custodian, subject to court approval. The personal representative or trustee may serve as custodian, provided he or she falls within the class of persons eligible to serve as custodian under section 9(1) of this act.

(2) A member of the minor's family may request that the court establish a custodianship if a custodianship has not already been established, regardless of the value of the transfer.

NEW SECTION. Sec. 7. TRANSFER BY OBLIGOR. (1) Subject to subsections (2) and (3) of this section, a person not subject to section 5 or 6 of this act who holds property of or owes a liquidated debt to a minor not having a guardian may make an irrevocable transfer to a custodian for the benefit of the minor pursuant to section 9 of this act.

(2) If a person having the right to do so under section 3 of this act has nominated a custodian under that section to receive the custodial property, the transfer shall be made to that person.

(3) If no custodian has been nominated under section 3 of this act, or all persons so nominated as custodian die before the transfer or are unable, decline, or are ineligible to serve, a transfer under this section may be made to an adult member of the minor's family or to a trust company unless the property exceeds thirty thousand dollars in value.

(4) A member of the minor's family or the person who holds the property of the minor or who owes a debt to the minor may request that the court establish a custodianship if not previously established, regardless of the value of the transfer.

NEW SECTION. Sec. 8. RECEIPT FOR CUSTODIAL PROPERTY. A written confirmation of delivery by a custodian constitutes a sufficient receipt and discharge of the transferor for custodial property transferred to the custodian under this chapter.

NEW SECTION. Sec. 9. MANNER OF CREATING CUSTODIAL PROPERTY AND EFFECTING TRANSFER--DESIGNATION OF INITIAL CUSTODIAN--CONTROL. (1) Custodial property is created and a transfer is made if:

(a) An uncertificated security or a certificated security in registered form is either:

(i) Registered in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "... as custodian for (name of minor) under the Washington uniform transfers to minors act"; or

(ii) Delivered if in certificated form, or any document necessary for the transfer of an uncertificated security is delivered, together with any necessary endorsement to an adult other than the transferor or to a trust company as custodian, accompanied by an instrument in substantially the form set forth in subsection (2) of this section;

(b) Money is paid or delivered, or a security held in the name of a broker, financial institution, or its nominee is transferred, to a broker or financial institution for credit to an account in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "... as custodian for (name of minor) under the Washington uniform transfers to minors act";

(c) The ownership of a life or endowment insurance policy or annuity contract is either:

(i) Registered with the issuer in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "... as custodian for (name of minor) under the Washington uniform transfers to minors act"; or

(ii) Assigned in a writing delivered to an adult other than the transferor or to a trust company whose name in the assignment is followed in substance by the words: "... as custodian for (name of minor) under the Washington uniform transfers to minors act";

(d) An irrevocable exercise of a power of appointment or an irrevocable present right to future payment under a contract is the subject of a written notification delivered to the payor, issuer, or other obligor that the right is transferred to the transferor, an adult other than the transferor, or a trust company, whose name in the notification is followed in substance by the words: "... as custodian for (name of minor) under the Washington uniform transfers to minors act";

(e) An interest in real property is recorded in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "... as custodian for (name of minor) under the Washington uniform transfers to minors act";

(f) A certificate of title issued by a department or agency of a state or of the United States which evidences title to tangible personal property is either:

(i) Issued in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: " ... as custodian for (name of minor) under the Washington uniform transfers to minors act"; or

(ii) Delivered to an adult other than the transferor or to a trust company, endorsed to that person followed in substance by the words: "... as custodian for (name of minor) under the Washington uniform transfers to minors act"; or

(g) An interest in any property not described in (a) through (f) of this subsection is transferred to an adult other than the transferor or to a trust company by a written instrument in substantially the form set forth in subsection (2) of this section.

(2) An instrument in the following form satisfies the requirements of subsection (1) (a)(ii) and (g) of this section:

**"TRANSFER UNDER THE WASHINGTON
UNIFORM TRANSFERS TO MINORS ACT**

I, (name of transferor or name and representative capacity if a fiduciary) hereby transfer to (name of custodian), as custodian for (name of minor) under the Washington uniform transfers to minors act, the following: (insert a description of the custodial property sufficient to identify it).

Dated:

.....

(Signature)

..... (name of custodian) acknowledges receipt of the property described above as custodian for the minor named above under the Washington uniform transfers to minors act.

Dated:

....."

(Signature of Custodian)

(3) A transferor shall place the custodian in control of the custodial property as soon as practicable.

NEW SECTION. Sec. 10. SINGLE CUSTODIANSHIP. A transfer may be made only for one minor, and only one person may be the custodian. All custodial property held under this chapter by the same custodian for the benefit of the same minor constitutes a single custodianship.

NEW SECTION. Sec. 11. VALIDITY AND EFFECT OF TRANSFER. (1) The validity of a transfer made in a manner prescribed in this chapter is not affected by:

(a) Failure of the transferor to comply with section 9(3) of this act concerning possession and control;

(b) Designation of an ineligible custodian, except designation of the transferor in the case of property for which the transferor is ineligible to serve as custodian under section 9(1) of this act; or

(c) Death or incapacity of a person nominated under section 3 of this act or designated under section 9 of this act as custodian or the disclaimer of the office by that person.

(2) A transfer made pursuant to section 9 of this act is irrevocable, and the custodial property is indefeasibly vested in the minor, but the custodian has all the rights, powers, duties, and authority provided in this chapter, and neither the minor nor the minor's legal representative has any right, power, duty, or authority with respect to the custodial property except as provided in this chapter.

(3) By making a transfer, the transferor incorporates in the disposition all the provisions of this chapter and grants to the custodian, and to any third person dealing with a person designated as custodian, the respective powers, rights, and immunities provided in this chapter.

NEW SECTION. Sec. 12. CARE OF CUSTODIAL PROPERTY. (1) A custodian shall, as soon as custodial property is made available to the custodian:

(a) Take control of custodial property;

(b) Register or record title to custodial property if appropriate; and

(c) Collect, hold, manage, invest, and reinvest custodial property.

(2) In dealing with custodial property, a custodian shall observe the standard of care applicable to fiduciaries under chapter 11.100 RCW. If a custodian has a special skill or expertise or is named custodian on the basis of representations of a special skill or expertise, the custodian shall use that skill or expertise. A custodian, in the custodian's discretion and without liability to the minor or the minor's estate, may retain any custodial property received from a transferor according to the same standards as apply to a fiduciary holding trust funds under RCW 11.100.060. However, the provisions of RCW 11.100.025, 11.100.040, and 11.100.140 shall not apply to a custodian.

(3) A custodian may invest in or pay premiums on life insurance or endowment policies on (a) the life of the minor only if the minor or the minor's estate is the sole beneficiary, or (b) the life of another person in whom the minor has an insurable interest only to the extent that the minor, the minor's estate, or the custodian in the capacity of custodian, is the irrevocable beneficiary.

(4) A custodian at all times shall keep custodial property separate and distinct from all other property in a manner sufficient to identify it clearly as custodial property of the minor. Custodial property consisting of an undivided interest is so identified if the minor's interest is held as a tenant in common and is fixed. Custodial property subject to recordation is so identified if it is recorded, and custodial property subject to registration is so identified if it is either registered, or held in an account designated, in the name of the custodian, followed in substance by the words: "... as custodian for (name of minor) under the Washington uniform transfers to minors act."

(5) A custodian shall keep records of all transactions with respect to custodial property, including information necessary for the preparation of the minor's tax returns, and shall make them available upon request for inspection by a parent or legal representative of the minor or by the minor if the minor has attained the age of fourteen years.

NEW SECTION. Sec. 13. POWERS OF CUSTODIAN. (1) A custodian, acting in a custodial capacity, has all the rights, powers, and authority over custodial property that unmarried adult owners have over their own property, including without limitation all the powers granted to a trustee under RCW 11.98.070, but a custodian may exercise those rights, powers, and authority only in a custodial capacity.

(2) This section does not relieve a custodian from liability for breach of section 12 of this act.

NEW SECTION. Sec. 14. USE OF CUSTODIAL PROPERTY. (1) A custodian may deliver or pay to the minor or expend for the minor's benefit so much of the custodial property as the custodian considers advisable for the use and benefit of the minor, without court order and without regard to (a) the duty or ability of the custodian personally or of any other person to support the minor, or (b) any other income or property of the minor which may be applicable or available for that purpose.

(2) On petition of an interested person or the minor if the minor has attained the age of fourteen years, the court may order the custodian to deliver or pay to the minor or expend for the minor's benefit so much of the custodial property as the court considers advisable for the use and benefit of the minor.

(3) A delivery, payment, or expenditure under this section is in addition to, not in substitution for, and does not affect any obligation of a person to support the minor.

NEW SECTION. Sec. 15. CUSTODIAN'S EXPENSES, COMPENSATION, AND BOND. (1) A custodian is entitled to reimbursement from custodial property for reasonable expenses incurred in the performance of the custodian's duties.

(2) Except for one who is a transferor under section 4 of this act, a custodian has a noncumulative election during each calendar year to charge reasonable compensation for services performed during that year.

(3) Except as provided in section 18(6) of this act, a custodian need not give a bond.

(4) Notwithstanding section 19 of this act, a custodian not compensated for services is not liable for losses to the custodial property unless they result from bad faith, intentional wrongdoing, or gross negligence, or from failure to maintain the standard of prudence in investing the custodial property provided in this chapter.

NEW SECTION. Sec. 16. EXEMPTION OF THIRD PERSON FROM LIABILITY. A third person in good faith and without court order may act on the instructions of or otherwise deal with any person purporting to make a transfer or purporting to act in the capacity of a custodian or successor custodian and, in the absence of knowledge, is not responsible for determining:

(1) The validity of the purported custodian's designation;

(2) The propriety of, or the authority under this chapter for, any act of the purported custodian;

(3) The validity or propriety under this chapter of any instrument or instructions executed or given either by the person purporting to make a transfer or by the purported custodian; or

(4) The propriety of the application of any property of the minor delivered to the purported custodian.

NEW SECTION. Sec. 17. LIABILITY TO THIRD PERSONS. (1) A claim based on:

(a) A contract entered into by a custodian acting in a custodial capacity;

(b) An obligation arising from the ownership or control of custodial property;

(c) A tort committed during the custodianship, may be asserted against the custodial property by proceeding against the custodian in the custodial capacity, whether or not the custodian or the minor is personally liable therefor; or

(d) A noncontractual obligation, including obligations in tort, is collectible from the custodial property only if:

(i) The obligation was a common incident of the kind of business activity in which the custodian or the custodian's predecessor was properly engaged for the custodianship;

(ii) Neither the custodian nor the custodian's predecessor, nor any officer or employee of the custodian or the custodian's predecessor was personally at fault in incurring the obligation; or

(iii) Although the obligation did not fall within (d)(i) or (ii) of this subsection, the incident that gave rise to the obligation increased the value of the custodial property.

If the obligation is within (d)(i) or (ii) or this subsection, collection may be had of the full amount of damage proved. If the obligation is within (d)(iii) of this subsection, collection may be had only to the extent of the increase in the value of the trust property.

(2) A custodian is not personally liable:

(a) On a contract properly entered into in the custodial capacity unless the custodian fails to reveal that capacity. The addition of the words "custodian" or "as custodian" after the signature of a custodian is adequate revelation of this capacity; or

(b) For an obligation arising from control of custodial property or for a tort committed during the custodianship unless the custodial property is not liable for the obligation under (b) of this subsection and unless the custodian is personally at fault.

(3) A minor is not personally liable for an obligation arising from ownership of custodial property or for a tort committed during the custodianship unless the minor is personally at fault.

NEW SECTION. Sec. 18. RENUNCIATION, RESIGNATION, DEATH, OR REMOVAL OF CUSTODIAN--DESIGNATION OF SUCCESSOR CUSTODIAN. (1) A person nominated under section 3 of this act or designated under section 9 of this act as custodian may decline to serve. If the event giving rise to a transfer has not occurred and no substitute custodian able, willing, and eligible to serve was nominated under section 3 of this act, the person who made the nomination may nominate a substitute custodian under section 3 of this act; otherwise the transferor or the transferor's legal representative shall designate a substitute custodian at the time of the transfer, in either case from among the persons eligible to serve as custodian for that kind of property under section 9(1) of this act. The custodian so designated has the rights of a successor custodian.

(2) A custodian at any time may designate a trust company or an adult other than a transferor under section 4 of this act as successor custodian by executing and dating an instrument of designation. If the instrument of designation does not contain or is not accompanied by the resignation of the custodian, the designation of the successor does not take effect until the custodian resigns, dies, becomes incapacitated, or is removed, and custodial property is transferred to the successor custodian.

(3) A custodian may resign at any time by delivering written notice to the minor, if the minor has attained the age of fourteen years, and to the successor custodian, and by delivering the custodial property to the successor custodian.

(4) If a custodian is ineligible, dies, or becomes incapacitated and no successor custodian has been designated as provided in this chapter, and the minor has attained the age of fourteen years, the minor may designate as successor custodian, in the manner prescribed in subsection (2) of this section, an adult member of the minor's family, a guardian of the minor, or a trust company. If the minor has not attained the age of fourteen years or fails to act within sixty days after the ineligibility, death, or incapacity, the guardian of the minor becomes successor custodian. If the minor has no guardian or the guardian declines to act, the transferor, the legal representative of the transferor or of the custodian, an adult member of the minor's family, or any other interested person may petition the court to designate a successor custodian.

(5) A custodian who declines to serve under subsection (1) of this section or resigns under subsection (3) of this section, or the legal representative of a deceased or incapacitated custodian, as soon as practicable, shall put the custodial property and records in the possession and control of the successor custodian. The successor custodian by action may enforce the obligation to deliver custodial property and records and becomes responsible for each item as received.

(6) A transferor, the legal representative of a transferor, an adult member of the minor's family, a guardian of the minor, or the minor if the minor has attained the age of fourteen years may petition the court to remove the custodian for cause and to

designate a successor custodian other than a transferor under section 4 of this act or to require the custodian to give appropriate bond.

NEW SECTION. Sec. 19. ACCOUNTING BY AND DETERMINATION OF LIABILITY OF CUSTODIAN. (1) A minor who has attained the age of fourteen years, the minor's legal representative, an adult member of the minor's family, a transferor, or a transferor's legal representative may petition the court (a) for an accounting by the custodian or the custodian's legal representative; or (b) for a determination of responsibility, as between the custodial property and the custodian personally, for claims against the custodial property unless the responsibility has been adjudicated in an action under section 17 of this act to which the minor or the minor's legal representative was a party.

(2) A successor custodian may petition the court for an accounting by the predecessor custodian.

(3) The court, in a proceeding under this chapter or in any other proceeding, may require or permit the custodian or the custodian's legal representative to account.

(4) If a custodian is removed under section 18(6) of this act, the court shall require an accounting and order delivery of the custodial property and records to the successor custodian and the execution of all instruments required for transfer of the custodial property.

NEW SECTION. Sec. 20. TERMINATION OF CUSTODIANSHIP. Subject to section 22 of act, the custodian shall transfer in an appropriate manner the custodial property to the minor or to the minor's estate upon the earlier of:

(1) The minor's attainment of twenty-one years of age with respect to custodial property transferred under section 4 or 5 of this act;

(2) The minor's attainment of eighteen years of age with respect to custodial property transferred under section 6 or 7 of this act; or

(3) The minor's death.

NEW SECTION. Sec. 21. APPLICABILITY. This chapter applies to a transfer within the scope of section 2 of this act made after the effective date of section 2 of this act, if:

(1) The transfer purports to have been made under the Washington uniform gifts to minors act; or

(2) The instrument by which the transfer purports to have been made uses in substance the designation "as custodian under the uniform gifts to minors act" or "as custodian under the uniform transfers to minors act" of any other state, and the application of this chapter is necessary to validate the transfer.

NEW SECTION. Sec. 22. EFFECT ON EXISTING CUSTODIANSHIPS. (1) Any transfer of custodial property as now defined in this chapter made before the effective date of this section, is validated notwithstanding that there was no specific authority in the Washington uniform gifts to minors act for the coverage of custodial property of that kind or for a transfer from that source at the time the transfer was made.

(2) This chapter applies to all transfers made before the effective date of this section, in a manner and form prescribed in the Washington uniform gifts to minors act, except insofar as the application impairs constitutionally vested rights or extends the duration of custodianships in existence on the effective date of this section. However, as to any custodianship established after August 9, 1971, but prior to January 1, 1985, a minor has the right after attaining the age of eighteen to demand delivery from the custodian of all or any portion of the custodial property.

NEW SECTION. Sec. 23. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION. Sec. 24. SHORT TITLE. This chapter may be cited as the uniform transfers to minors act.

NEW SECTION. Sec. 25. CAPTIONS NOT LAW. Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 26. SAVINGS. To the extent that this chapter, by virtue of section 22(2) of this act, does not apply to transfers made in a manner prescribed in the uniform gifts to minors act of Washington or to the powers, duties, and immunities conferred by transfers in that manner upon custodians and persons dealing with custodians, the repeal of the uniform gifts to minors act of Washington does not affect those transfers or those powers, duties, and immunities.

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

- (1) RCW 11.93.010 and 1985 c 30 s 12;
- (2) RCW 11.93.020 and 1985 c 30 s 13;
- (3) RCW 11.93.030 and 1985 c 30 s 14;
- (4) RCW 11.93.040 and 1985 c 30 s 15;
- (5) RCW 11.93.050 and 1985 c 30 s 16;
- (6) RCW 11.93.060 and 1985 c 30 s 17;
- (7) RCW 11.93.070 and 1985 c 30 s 18;
- (8) RCW 11.93.080 and 1985 c 30 s 19;
- (9) RCW 11.93.900 and 1985 c 30 s 20;
- (10) RCW 11.93.910 and 1985 c 30 s 21;
- (11) RCW 11.93.911 and 1985 c 30 s 22;
- (12) RCW 11.93.912 and 1985 c 30 s 23; and
- (13) RCW 11.93.920 and 1985 c 30 s 24.

Sec. 28. RCW 11.76.095 and 1988 c 29 s 5 are each amended to read as follows:

When a decree of distribution is made by the court in administration upon a decedent's estate or when distribution is made by a personal representative under a nonintervention will and distribution is ordered under such decree or authorized under such nonintervention will to a person under the age of eighteen years, it shall be required that:

(1) The money be deposited in a bank or trust company or be invested in an account in an insured financial institution for the benefit of the minor subject to withdrawal only upon the order of the court in the original probate proceeding, or upon said minor's attaining the age of eighteen years and furnishing proof thereof satisfactory to the depository;

(2) A general guardian shall be appointed and qualify and the money or property be paid or delivered to such guardian prior to the discharge of the personal representative in the original probate proceeding; ~~((or))~~

(3) The provisions of ~~((either))~~ RCW 11.76.090 ~~((or 11.93.020(4)))~~ are complied with; or

(4) A custodian be selected and the money or property be transferred to the custodian subject to chapter 11.93 RCW.

Sec. 29. RCW 11.98.170 and 1985 c 30 s 59 are each amended to read as follows:

(1) Any life insurance policy or retirement plan payment provision may designate as beneficiary:

(a) A trustee named or to be named by will, and immediately after the proving of the will, the proceeds of such insurance or of such plan designated as payable to that trustee, in part or in whole, shall be paid to the trustee in accordance with the beneficiary designation, to be held and disposed of under the terms of the will governing the testamentary trust; or

(b) A trustee named or to be named under a trust agreement executed by the insured, the plan participant, or any other person, and the proceeds of such insurance or retirement plan designated as payable to such trustee, in part or in whole, shall be paid

to the trustee in accordance with the beneficiary designation, to be held and disposed of by the trustee as provided in such trust agreement; a trust is valid even if the only corpus consists of the right of the trustee to receive as beneficiary insurance or retirement plan proceeds; any such trustee may also receive assets, other than insurance or retirement plan proceeds, by testamentary disposition or otherwise and, unless directed otherwise by the transferor of the assets, shall administer all property of the trust according to the terms of the trust agreement.

(2) If no qualified trustee makes claim to the insurance policy or retirement plan proceeds from the insurance company or the plan administrator within twelve months after the death of the insured or plan participant, determination of the proper recipient of the proceeds shall be made pursuant to the judicial or nonjudicial dispute resolution procedures of chapter 11.96 RCW, unless prior to the institution of the judicial procedures, a qualified trustee makes claim to the proceeds, except that (a) if satisfactory evidence is furnished the insurance company or plan administrator within the twelve-month period showing that no trustee can or will qualify to receive such proceeds, payment shall be made to those otherwise entitled to the proceeds under the terms of the policy or retirement plan, including the terms of the beneficiary designation except that (b) if there is any dispute as to the proper recipient of insurance policy or retirement plan proceeds, the dispute shall be resolved pursuant to the judicial or nonjudicial resolution procedures in chapter 11.96 RCW.

(3) The proceeds of the insurance or retirement plan as collected by the trustee are not subject to debts of the insured or the plan participant to any greater extent than if the proceeds were payable to any named beneficiary other than the personal representative or the estate of the insured or of the plan participant.

(4) For purposes of this section the following definitions apply:

(a) "Plan administrator" means the person upon whom claim must be made in order for retirement plan proceeds to be paid upon the death of the plan participant.

(b) "Retirement plan" means any plan, account, deposit, annuity, or benefit, other than a life insurance policy, that provides for payment to a beneficiary designated by the plan participant for whom the plan is established. The term includes, without limitation, such plans regardless of source of funding, and, for example, includes pensions, annuities, stock bonus plans, employee stock ownership plans, profit sharing plans, self-employed retirement plans, individual retirement accounts, individual retirement annuities, and retirement bonds, as well as any other retirement plan or program.

(c) "Trustee" includes any custodian under chapter ~~((11.93))~~ 11.--RCW (sections 1 through 26 of this 1991 act) or any similar statutory provisions of any other state and the terms "trust agreement" and "will" refer to the provisions of chapter ~~((11.93))~~ 11.-- RCW (sections 1 through 26 of this 1991 act) or such similar statutory provisions of any other state.

(5) Enactment of this section does not invalidate life insurance policy or retirement plan beneficiary designations executed prior to January 1, 1985, naming a trustee established by will or by trust agreement.

Sec. 30. RCW 67.70.220 and 1985 c 7 s 128 are each amended to read as follows:

If the person entitled to a prize is under the age of eighteen years, and such prize is less than five thousand dollars, the director may direct payment of the prize by delivery to an adult member of the minor's family or a guardian of the minor of a check or draft payable to the order of such minor. If the person entitled to a prize is under the age of eighteen years, and such prize is five thousand dollars or more, the director may direct payment to such minor by depositing the amount of the prize in any bank to the credit of an adult member of the minor's family or a guardian of the minor as custodian for such minor. The person so named as custodian shall have the same duties and powers as a person designated as a custodian in a manner prescribed by the Washington uniform ~~((gifts))~~ transfers to minors act, chapter ((11.93)) 11.-- RCW (sections 1 through 26 of

this 1991 act), and for the purposes of this section the terms "adult member of a minor's family," "guardian of a minor," and "bank" shall have the same meaning as in chapter (11.93) 11.-- RCW (sections 1 through 26 of this 1991 act). The commission and the director shall be discharged of all further liability upon payment of a prize to a minor pursuant to this section.

NEW SECTION. Sec. 31. RCW 11.76.090 and 1988 c 29 s 4, 1974 ex.s. c 117 s 11, 1971 c 28 s 2, & 1965 c 145 s 11.76.090 are each repealed.

Sec. 32. RCW 11.92.140 and 1990 c 122 s 32 are each amended to read as follows:

The court, upon the petition of a guardian of the estate of an incapacitated person other than the guardian of a minor, and after such notice as the court directs and other notice to all persons interested as required by chapter 11.96 RCW, may authorize the guardian to take any action, or to apply funds not required for the incapacitated person's own maintenance and support, in any fashion the court approves as being in keeping with the incapacitated person's wishes so far as they can be ascertained and as designed to minimize insofar as possible current or prospective state or federal income and estate taxes, permit entitlement under otherwise available federal or state medical or other assistance programs, and to provide for gifts to such charities, relatives, and friends as would be likely recipients of donations from the incapacitated person.

The action or application of funds may include but shall not be limited to the making of gifts, to the conveyance or release of the incapacitated person's contingent and expectant interests in property including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entirety, to the exercise or release of the incapacitated person's powers as donee of a power of appointment, the making of contracts, the creation of revocable or irrevocable trusts of property of the incapacitated person's estate which may extend beyond the incapacitated person's disability or life, the establishment of custodianships for the benefit of a minor under chapter 11.93 RCW, the Washington uniform transfers to minors act, the exercise of options of the incapacitated person to purchase securities or other property, the exercise of the incapacitated person's right to elect options and to change beneficiaries under insurance and annuity policies and the surrendering of policies for their cash value, the exercise of the incapacitated person's right to any elective share in the estate of the incapacitated person's deceased spouse, and the renunciation or disclaimer of any interest acquired by testate or intestate succession or by inter vivos transfer.

The guardian in the petition shall briefly outline the action or application of funds for which approval is sought, the results expected to be accomplished thereby and the savings expected to accrue. The proposed action or application of funds may include gifts of the incapacitated person's personal or real property. Gifts may be for the benefit of prospective legatees, devisees, or heirs apparent of the incapacitated person, or may be made to individuals or charities in which the incapacitated person is believed to have an interest. Gifts may or may not, in the discretion of the court, be treated as advancements to donees who would otherwise inherit property from the incapacitated person under the incapacitated person's will or under the laws of descent and distribution. The guardian shall also indicate in the petition that any planned disposition is consistent with the intentions of the incapacitated person insofar as the intentions can be ascertained, and if the incapacitated person's intentions cannot be ascertained, the incapacitated person will be presumed to favor reduction in the incidence of the various forms of taxation and the partial distribution of the incapacitated person's estate as provided in this section. The guardian shall not, however, be required to include as a beneficiary any person whom there is reason to believe would be excluded by the incapacitated person. No guardian may be required to file a petition as provided in this section, and a failure or refusal to so petition the court does not constitute a breach of the guardian's fiduciary duties.

NEW SECTION. Sec. 33. Sections 1 through 26 of this act shall constitute a new chapter in Title 11 RCW.

NEW SECTION. Sec. 34. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 35. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representatives Appelwick and Padden spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Appelwick and Padden to the title was adopted:

On page 1, line 1 of the title, after "minors;" strike the remainder of the title and insert "amending RCW 11.76.095, 11.98.170, 67.70.220, and 11.92.140; adding a new chapter to Title 11 RCW; repealing RCW 11.93.010, 11.93.020, 11.93.030, 11.93.040, 11.93.050, 11.93.060, 11.93.070, 11.93.080, 11.93.900, 11.93.910, 11.93.911, 11.93.912, 11.93.920, and 11.76.090; providing an effective date; and declaring an emergency."

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

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1088, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1088, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of House Bill No. 1117 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1144, by Representatives Jacobsen, Miller, Winsley, Cole, Wood, Rasmussen, Prentice, R. Fisher, Valle, Fraser, Haugen, Belcher, Scott, Franklin, Ogden, Roland, Riley, Leonard, Cantwell, Rust, Hine, Pruitt, Inslee, R. Johnson, Sheldon, Spanel, Kremen, Rayburn, Brekke and Orr

Revising provisions for application of the state building code.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 37th Day, February 19, 1991.)

Mr. Anderson moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1144, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1144, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1158, by Representatives Brekke, Winsley, Leonard, Rayburn, Inslee, Rasmussen, O'Brien, Fuhrman, Hargrove, Riley, R. Johnson,

Franklin, Scott, Haugen, Edmondson, Phillips, Bowman, G. Fisher, Sprengle and Orr

Providing for minors incapacitated by alcohol and other drugs.

The bill was read the second time. On motion of Mr. Riley, Substitute House Bill No. 1158 was substituted for House Bill No. 1158, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1158 was read the second time.

Mr. Braddock moved adoption of the following amendment by Representatives Braddock and Brekke:

On page 15, after line 9, insert a new section to read as follows:

"NEW SECTION. Sec. 8. A new section is added to chapter 43.20 RCW to read as follows:

The state board of health is authorized to adopt rules to control the retail sale of tobacco products so as to limit the purchase and use of tobacco products by minors."

Mr. Braddock spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Braddock and Brekke to the title was adopted:

On page 1, line 3 of the title, after the semicolon, insert "adding a new section to chapter 43.20 RCW;"

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

Representatives Brekke, Winsley, McLean and Leonard spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1158, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers,

H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1158, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1181, by Representatives Cole, Heavey, Jacobsen, R. King, Zellinsky, Jones, Prentice, Vance, Rayburn, Franklin, Scott, Wood, Bowman, Neher, Van Luven, Appelwick and Riley

Licensing private detectives.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Commerce & Labor as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Heavey, Substitute House Bill No. 1181 was substituted for House Bill No. 1181, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1181 was read the second time.

On motion of Ms. Spanel, the committee amendment by Committee on Appropriations was adopted.

Mr. Vance moved adoption of the following amendments:

On page 5, line 16 after "fee" insert "which shall not exceed two hundred dollars"

On page 5, line 23 after "fee" insert "of no more than fifty dollars"

Mr. Vance spoke in favor of adoption of the amendments, and Representatives Heavey and Basich spoke against them. The amendments were not adopted.

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

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

Representatives Cole and Vance spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1181, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives Sommers, H., Wang - 02.

Engrossed Substitute House Bill No. 1181, having received the constitutional majority, was declared passed.

The Speaker resumed the Chair.

HOUSE BILL NO. 1241, by Representatives Heavey, Cole, Jacobsen, Wang, Jones, R. Meyers, Appelwick, Fraser, Phillips and Cantwell

Concerning construction liens for improvements on a single-family home.

The bill was read the second time. On motion of Mr. Heavey, Substitute House Bill No. 1241 was substituted for House Bill No. 1241, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1241 was read the second time.

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

Representatives Heavey and Vance spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1241, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R.,

Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1241, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of House Bill No. 1280 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1357, by Representatives Fraser, Holland, Wang, Wynne, Winsley, Moyer, Paris and May; by request of Department of Revenue

Relating to the public disclosure of tax information.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1357 was substituted for House Bill No. 1357, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1357 was read the second time.

Ms. Fraser moved adoption of the following amendment by Representatives Fraser, Wang and Holland:

On page 5, line 11, after "data" strike everything through "section;" on line 14 and insert "material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Other than as provided by section 2(1) of this act, nothing in this chapter shall require any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure;"

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1357, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1357, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1358, by Representatives Dorn, Holland, Neher, Peery, Sprenkle, Brumsickle, Rasmussen, Inslee, R. Meyers, Winsley, Edmondson, Mielke, Miller, Betzoff, G. Fisher, Basich, Pruitt, Orr, H. Myers, Roland, Rayburn and Anderson

Allowing educational employees to choose a benefit plan in lieu of remuneration for unused sick leave.

The bill was read the second time. On motion of Ms. Spanel, Substitute House Bill No. 1358 was substituted for House Bill No. 1358, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1358 was read the second time.

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

Representatives Dorn, Brough and Neher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1358, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen,

Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1358, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1365, by Representatives Phillips, Peery, Holland, Valle, Prentice, Cole, Wineberry, Jones, Nelson, Jacobsen and Wang

Requiring teacher certification candidates to have skills to work with diverse populations.

The bill was read the second time. On motion of Mr. Peery, Substitute House Bill No. 1365 was substituted for House Bill No. 1365, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1365 was read the second time.

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

Representatives Phillips and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1365, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1365, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of House Bill No. 1411 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1463, by Representatives R. King, Fuhrman, Cole, Heavey, Jones and Franklin

Establishing procedures for industrial insurance claims.

The bill was read the second time. On motion of Mr. Heavey, Substitute House Bill No. 1463 was substituted for House Bill No. 1463, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1463 was read the second time.

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

Representatives R. King and Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1463, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moriton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1463, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1464, by Representatives Prentice, Cole, Heavey, Jacobsen, Franklin, Leonard, Ogden, R. King, Riley, Phillips, Winsley, Jones and R. Meyers

Providing civil penalties for prohibited practices in industrial insurance.

The bill was read the second time. On motion of Mr. Heavey, Substitute House Bill No. 1464 was substituted for House Bill No. 1464, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1464 was read the second time.

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

Representatives Prentice and Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1464, and the bill passed the House by the following vote: Yeas - 67, Nays - 31, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Brumsickle, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Van Luven, Wang, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Beck, Broback, Brough, Casada, Chandler, Edmondson, Haugen, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Silver, Sommers, D., Tate, Vance, Wilson, Wynne - 31.

Substitute House Bill No. 1464, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1487, by Representatives Dellwo, Zellinsky, R. Johnson, R. Meyers, Mielke, Broback, Winsley, Inslee, Anderson, Scott, Dorn, Silver, Jacobsen and Paris

Regulating check cashers and sellers.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1487, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1487, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1495, by Representatives Heavey and Hargrove; by request of Department of Licensing

Changing land development regulations.

The bill was read the second time. On motion of Mr. Heavey, Substitute House Bill No. 1495 was substituted for House Bill No. 1495, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1495 was read the second time.

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

Representatives Heavey and Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1495, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel,

Sprenkle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Prentice - 01.

Substitute House Bill No. 1495, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1503, by Representative Appelwick

Providing for enforcement of safety belt requirements.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 1503 was substituted for House Bill No. 1503, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1503 was read the second time.

Mr. Fuhrman moved adoption of the following amendment:

On page 2, line 20, after "RCW." insert "Upon a finding that a person has violated this section, the court shall not fine the violator more than five dollars."

Mr. Fuhrman spoke in favor of adoption of the amendment, and Mr. Appelwick spoke against it. The amendment was not adopted.

Mr. Fuhrman moved adoption of the following amendment:

On page 2, line 27, after "(7)" strike "~~((Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense. (8)))~~" and insert "Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense. (8)"

Mr. Fuhrman spoke in favor of adoption of the amendment, and Mr. Riley spoke against it. The amendment was not adopted.

Mr. Fuhrman moved adoption of the following amendment:

On page 3, after line 17, insert:
"NEW SECTION. Sec. 2. A new section is added to 46.61 RCW to read as follows:

Any vehicle travelling on a public road or highway shall employ its headlights when operating its windshield wipers."

Mr. Fuhrman spoke in favor of adoption of the amendment, and Mr. Appelwick spoke against it. The amendment was not adopted.

Mr. Fuhrman moved adoption of the following amendment:

On page 3, after line 17, insert:
"NEW SECTION. Sec. 2. The legislature finds that requiring motor vehicle passengers to wear safety belts protects human life and promotes the public health, safety,

and welfare. Providing additional incentive for individuals to wear safety belts furthers the legislatures interest in protecting human life. The protection provided by this act is particularly important for those individuals less able to make a decision to wear a safety belt, passengers under the age of sixteen years and the unborn life carried by a pregnant passenger. In view of the legislature's intent to protect human life, it is incompatible that the legislature provide funding to any program administered in whole or in part by the state, that directly harms a human life, including the voluntary termination of a pregnancy."

POINT OF ORDER

Mr. Braddock: Thank you, Mr. Speaker. I would ask for a ruling on the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Braddock, the Speaker has examined Substitute House Bill No. 1503 and the amendment offered by Representative Fuhrman. Substitute House Bill No. 1503, as Representative Fuhrman is aware, deals with seatbelts, requiring people to wear seatbelts. The amendment deals with including the voluntary termination of a pregnancy. It is clearly outside the scope and object of the bill. Your point, Representative Braddock is well taken.

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

Representatives Appelwick and Riley spoke in favor of passage of the bill, Representatives Hargrove, Fuhrman, Padden and Heavey spoke against it.

Mr. Zellinsky demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1503, and the bill passed the House by the following vote: Yeas - 57, Nays - 41, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Beck, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dellwo, Ferguson, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Haugen, Hine, Horn, Inslee, Jacobsen, King, R., Leonard, Ludwig, May, Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Silver, Sommers, H., Spanel, Valle, Vance, Wang, Wineberry, Winsley, Wood, and Mr. Speaker - 57.

Voting nay: Representatives Anderson, Ballard, Betzoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Day, Dorn, Ebersole, Edmondson, Fuhrman, Grant, Hargrove, Heavey, Hochstatter, Holland, Johnson P., Johnson R., Jones, Kremen, Lisk, Locke, McLean, Meyers, R., Mielke, Morton, Nealey, Padden, Prince, Pruitt, Schmidt, Sommers, D., Sprengle, Tate, Van Luven, Wilson, Wynne, Zellinsky - 41.

Substitute House Bill No. 1503, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

For the record I wish to state that I voted incorrectly on final passage of Substitute House Bill No. 1503. I voted "nay" but intended to vote "yea."

ARTHUR C. SPRENKLE, District 39B.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1523 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1535, by Representatives Cooper, Horn, Grant, May, R. Meyers, Hochstatter and Orr

Requiring radon testing.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 1535 was substituted for House Bill No. 1535, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1535 was read the second time.

Mr. D. Sommers moved adoption of the following amendment by Representatives D. Sommers and Padden:

On page 2, beginning on line 17, strike all of section 2
Renummer the remaining sections accordingly.

Mr. D. Sommers spoke in favor of adoption of the amendment.

The Speaker called on Representatives R. Meyers to preside.

Mr. Cooper spoke against adoption of the amendment, and it was lost.

Mr. Cooper moved adoption of the following amendment by Representatives Cooper, Grant and May:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 19.27 RCW to read as follows:

(1) Beginning July 1, 1991, at the time of final inspection of a new single-family residence or each ground floor unit in a multifamily residential building, the building inspector shall deliver to each residence and each ground floor unit a radon measurement device that is listed on a current federal environmental protection agency radon measurement proficiency list. The device, the instructions included with the device, and the instructions provided by the state building code council pursuant to subsection (2) of

this section shall be placed in a conspicuous location. The device shall be provided to the building inspector by the local government.

(2) Not later than June 15, 1991, in consultation with the department of health and the Washington state association of building code officials, the state building code council shall:

(a) Develop instructions for use by the owner or occupant on the proper means of installation, maintenance and removal of the radon measurement device provided for in subsection (1) of this section and distribute the instructions to all affected county and city building departments; and

(b) Distribute to all affected county and city building departments the current federal environmental protection agency radon measurement proficiency list and known sources for the devices.

(3) The owner of a new single-family residence or of a multi-family residential building shall be responsible for returning the radon measurement device left by a building inspector pursuant to this section to the appropriate testing laboratory in accordance with the instructions left with the device by the building inspector.

(4) The building inspector's approval of the final inspection on the final inspection record card shall be prima facie evidence that the building inspector left the radon measurement device and instructions as required by this section.

(5) The building inspector responsible for the final inspection, the building inspector's employer, and the county or city within which a single family residence or multi-family residential building is located shall not be liable for injuries caused by:

(a) The failure of the occupant or owner of the residence or building to properly install, monitor, or send a radon measurement device to the testing laboratory; or

(b) Radon entering into any single family residence or multi-family residential building.

Sec. 2. RCW 4.24.560 and 1990 c 2 s 8 are each amended to read as follows:

It is a defense in a civil action brought for damages for injury caused by indoor air pollutants in a residential structure on which construction was begun on or after July 1, 1991, that the builder or design professional complied in good faith, without negligence or misconduct, with:

(1) Building product safety standards, including labeling;

(2) Restrictions on the use of building materials known or believed to contain substances that contribute to indoor air pollution; and

(3) The ventilation and radon resistive construction requirements adopted under RCW 19.27.190.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Representatives Cooper and May spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Cooper, Grant and May to the title was adopted:

On page 1, line 2 of the title, strike "and adding new sections" and insert "adding a new section"

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

POINT OF INQUIRY

Mr. Cooper yielded to question by Mr. May.

Mr. May: Representative Cooper, is the intent of this legislation to direct the Building Code Council to amend the rule relative to radon testing?

Mr. Cooper: Yes, the rule adopted on November 9, 1990 must be revised to implement this bill.

Mr. May: When would that amended rule take effect?

Mr. Cooper: Because the amendment will be made at the direction of the Legislature under provisions of 19.27.074 and 19.27A.045, it will take effect on July 1, 1991.

Mr. May spoke in favor of passage of the bill, and Mr. Moyer spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1535, and the bill passed the House by the following vote: Yeas - 76, Nays - 22, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Miller, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, and Mr. Speaker - 76.

Voting nay: Representatives Ballard, Beck, Betrozoff, Brough, Chandler, Dellwo, Forner, Fuhrman, Hochstatter, Holland, Kremen, McLean, Mitchell, Morton, Moyer, Nealey, Padden, Prince, Schmidt, Silver, Van Luven, Zellinsky - 22.

Engrossed Substitute House Bill No. 1535, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1523 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1523, by Representatives Day, Wineberry, Edmondson, Bray, Lisk, Belcher, Inslee, Morris, Jones, Mitchell, Franklin, Mielke, Nelson, Casada, Brekke, Ferguson, Leonard, Silver, Ludwig, Rayburn, Peery, Scott, Pruitt, Chandler, McLean, Holland, Wang, Jacobsen, Winsley and Anderson

Establishing regional service centers for the deaf.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1523 was substituted for House Bill No. 1523, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1523 was read the second time.

Mr. Day moved adoption of the following amendment by Representatives Day, Wang, Locke and Holland:

On page 6, line 27, strike "forty-six thousand five hundred" and insert "seven hundred thousand".

Mr. Day spoke in favor of adoption of the amendment, and it was adopted.

Ms. Bowman moved adoption of the following amendments:

On page 5, beginning on line 1, strike all of the material through line 24.

Renumber the following sections consecutively and correct internal references accordingly.

On page 7, line 7, strike all of new section 14.

Renumber the following section consecutively and correct internal references accordingly.

Representatives Bowman and P. Johnson spoke in favor of adoption of the amendments, and Representatives Day and Hargrove spoke against them.

Mr. Zellinsky demanded the previous question, and the demand was sustained.

The amendments by Representative Bowman were not adopted.

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

Representatives Day, Wineberry, Lisk and Edmondson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1523, and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell,

Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Beck, Bowman, Fuhrman - 03.

Engrossed Substitute House Bill No. 1523, having received the constitutional majority, was declared passed.

The Speaker resumed the Chair.

SUBSTITUTE HOUSE BILL NO. 1649, by House Committee on Environmental Affairs (originally sponsored by Representative Rust; by request of Department of Ecology and Office of Financial Management)

Updating municipality water discharge fees.

The House resumed consideration of Substitute House Bill No. 1649 on second reading.

The Speaker stated the question before the House to be the Point of Order by Representative Rust regarding the scope and object of the amendment on page 2, line 26 by Representatives Chandler and Van Luven.

SPEAKER'S RULING

The Speaker: The Speaker has examined a Point of Order on Substitute House Bill No. 1649 raised by Representative Rust. The original substitute bill was very simple and very clear. It raises to fifteen cents per residence per month the amount that can be charged as the maximum fee for municipal domestic wastewater facility permits. That was the intent of the bill. The Speaker has examined the amendment and asks the basic question of whether or not the amendment perfects what we initially tried to do, or does it bring in a new subject. This amendment brings in a new subject. It notifies the department that cost recovery for permits for indirect dischargers who send wastewater directly to a municipal wastewater treatment facility should be related to the expense of administration. Again, the Speaker rules that this brings in an additional subject. It doesn't perfect the original intention, which was simply to raise the fee to fifteen cents. Representative Rust, the Speaker finds that your point is well taken; that the amendment is outside the scope and object of the original legislation.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1649, and the bill passed the House by the following vote: Yeas - 64, Nays - 34, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, May, Meyers, R., Miller, Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Broback, Brumsickle, Casada, Chandler, Edmondson, Forner, Fuhrman, Grant, Haugen, Hochstatter, Johnson P., Kremen, Lisk, McLean, Mielke, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Prince, Rayburn, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wynne - 28.

Substitute House Bill No. 1649, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1564, by Representatives Nelson, McLean, Anderson, Belcher, Brumsickle, R. Fisher, Bowman, Betzoff, Fraser and Rasmussen; by request of Department of General Administration

Requiring the department of general administration to develop and implement a comprehensive transportation and parking program.

The bill was read the second time. On motion of Ms. R. Fisher, Substitute House Bill No. 1564 was substituted for House Bill No. 1564, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1564 was read the second time.

Ms. Schmidt moved adoption of the following amendment:

On page 2, line 19, after "that" strike "eliminates" and insert "reduces, with a goal of eventually eliminating,"

Representatives Schmidt and Nelson spoke in favor of adoption of the amendment, and it was adopted.

Mr. Nelson moved adoption of the following amendment by Representatives Nelson and R. Fisher:

On page 5, line 21, after "programs," insert "including but not limited to"

Mr. Nelson spoke in favor of adoption of the amendment, and it was adopted.

Ms. Forner moved adoption of the following amendment by Representatives Forner, Brough, Nelson and R. Fisher:

On page 6, after line 19, insert:

"NEW SECTION. Sec. 9. Institutions of higher education shall consider, based on the recommendations of the parking and transportation management advisory committee, the development of parking and transportation management programs to ensure access to their facilities for students, employees, and visitors; and promote alternatives to the single occupant automobile."

Renumber the following sections accordingly.

Representatives Forner and Nelson spoke in favor of adoption of the amendment, and it was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1564, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslie, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1564, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of House Bill No. 1641 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1671, by Representatives R. Fisher, Riley, R. Meyers, Jacobsen, Heavey, Roland, Hine, O'Brien, Rust, Betzoff, Paris, Scott, Fraser and Wineberry

Promoting growth strategies.

The bill was read the second time. On motion of Ms. R. Fisher, Second Substitute House Bill No. 1671 was substituted for House Bill No. 1671, and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1671 was read the second time.

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

Representatives R. Fisher, Betrozoff and Pruitt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1671, and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betrozoff, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Casada, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Ballard, Bowman, Brumsickle, Chandler, Day, Fuhrman, Hochstatter, Johnson P., Lisk, McLean, Morton, Orr, Padden, Wood - 14.

Second Substitute House Bill No. 1671, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1686, by Representatives Hargrove, Riley, Tate, Prentice, Padden, H. Myers, Kremen, Dorn, Morris, Jacobsen, Roland, Pruitt, Valle, Betrozoff, Brekke, Paris, Scott, Inslee, Basich, Sheldon and Wineberry

Creating an incentive program for inmates.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass substitute. Committee on Capital Facilities & Financing recommendation: Majority, do pass substitute by Committee on Human Services as amended by Committee on Capital Facilities & Financing. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. H. Sommers, Substitute House Bill No. 1686 was substituted for House Bill No. 1686, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1686 was read the second time.

Ms. H. Sommers moved adoption of the committee amendment by Committee on Capital Facilities & Financing and spoke in favor of it. The committee amendment was adopted.

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1686, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1686, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider House Bill No. 1280 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1280, by Representatives Heavey, Fuhrman, Cole, R. King, Prentice, O'Brien, Hargrove, Ludwig, Jones, Leonard, Riley, Winsley, Phillips, Jacobsen, Franklin and Dellwo

Increasing industrial insurance partial disability awards.

The bill was read the second time.

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

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

The Speaker called on Representative Wang to preside.

Mr. Vance spoke against passage of the bill, and Mr. Heavey again spoke in favor of it.

POINT OF ORDER

Ms. Miller: Thank you, Mr. Speaker. I believe that the speaker was straying from the point of the bill and impugning a member's motive for his remarks regarding voting "no" on the bill. I think it was inappropriate.

SPEAKER'S REPLY

The Speaker (Mr. Wang presiding): Thank you, Representative Miller.

Mr. Fuhrman spoke against passage of the bill, and Ms. Cole spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1280, and the bill passed the House by the following vote: Yeas - 63, Nays - 35, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Mitchell, Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Former, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Morton, Moyer, Nealey, Neher, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wynne - 35.

House Bill No. 1280, having received the constitutional majority, was declared passed.

The Speaker (Mr. Wang presiding) declared the House to be at ease until 6:45 p.m.

EVENING SESSION

The Speaker (Mr. R. Meyers presiding) called the House to order at 6:45 p.m.

MOTION

Mr. Dorn moved that the House immediately consider House Bill No. 1774 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1774, by Representatives Jacobsen, R. Fisher, Anderson, Appelwick, Nelson, Miller, Heavey, Pruitt, Jones, Ebersole, Inslee, Wineberry, Cooper, Rasmussen, Franklin, Roland and Leonard

Creating a joint select committee on privacy and information technology.

The bill was read the second time.

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

Representatives Jacobsen, Padden and H. Myers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1774, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1774, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider House Bill No. 1712 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1712, by Representatives Heavey, Lisk, Cole, Fuhrman, Wood, Betrozoff, Jacobsen, R. Meyers, Phillips, Winsley, Ferguson, Orr and Wineberry

Providing for the registration of athlete agents.

The bill was read the second time. On motion of Mr. Heavey, Substitute House Bill No. 1712 was substituted for House Bill No. 1712, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1712 was read the second time.

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

Representatives Heavey, Lisk and Basich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1712, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1712, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1800, by Representatives Fraser, Ballard, Van Luven, Ebersole, Anderson, McLean, Jacobsen, Cantwell, Ferguson, Belcher, Rasmussen, Wang, Locke, Winsley, Paris, Phillips and Wineberry

Creating the office of international relations and protocol.

The bill was read the second time. On motion of Mr. Anderson, Substitute House Bill No. 1800 was substituted for House Bill No. 1800, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1800 was read the second time.

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

Representatives Fraser, McLean and Ebersole spoke in favor of passage of the bill, and Ms. Silver spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1800, and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Betrozoff, Fuhman, Hochstatter, Holland, Lisk, Morton, Nealey, Padden, Silver, Wood - 10.

Substitute House Bill No. 1800, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1900, by Representatives Scott, Cole, Roland, Ludwig, Forner, Wineberry, Locke, Appelwick, H. Myers, Rasmussen, Wang, Wynne and Anderson

Providing protection for children from firearms.

The bill was read the second time. On motion of Mr. Ludwig, Substitute House Bill No. 1900 was substituted for House Bill No. 1900, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1900 was read the second time.

Mr. Vance moved adoption of the following amendment by Representatives Vance, Mielke and Padden:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A joint select committee on firearms and children shall study the issue of children and firearms, and report its findings, and recommendations, to the legislature by December 1, 1991. The committee shall recommend possible standards owners of firearms must follow for storing handguns and penalties for violations of these standards and possible education programs to promote firearms safety and responsible ownership. The joint select committee shall consist of eight members: Four senators, two from each major caucus, who are appointed by the president of the senate; and four representatives, two from each major caucus, who are appointed by the speaker of the house of representatives. The committee shall appoint its chair and vice-chair from among its membership.

The committee shall appoint an advisory committee of twelve members to gather and present facts and opinions on the subject of children and firearms. The committee shall appoint Washington state residents to the advisory committee. The members of the advisory committee shall represent advocates of the right to bear firearms, hunting interests, advocates of children's safety and well-being, and state and local law enforcement agencies. No more than two members of the advisory committee may hold membership or be associated with more than one distinct interest group."

Representatives Vance, Hargrove and Padden spoke in favor of adoption of the amendment, and Representatives Ludwig and Scott spoke against it. The amendment was not adopted.

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

Representatives Scott, Paris, R. Johnson, Wineberry and Ludwig spoke in favor of passage of the bill, and Representatives Hargrove, Lisk and Hochstatter spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1900, and the bill passed the House by the following vote: Yeas - 51, Nays - 47, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Fraser, Haugen, Heavey, Hine, Horn, Jacobsen, Johnson R., King, R., Leonard, Locke, Ludwig, May, Meyers, R., Myers, H., Nelson, O'Brien, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, Wood, Wynne, and Mr. Speaker - 51.

Voting nay: Representatives Appelwick, Ballard, Beck, Betrozoff, Bowman, Braddock, Broback, Brough, Brumsickle, Casada, Chandler, Day, Dellwo, Dorn, Forner, Franklin, Fuhrman, Grant, Hargrove, Hochstatter, Holland, Inslee, Johnson P., Jones, Kremen, Lisk, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Ogden, Orr, Padden, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Winsley, Zellinsky - 47.

Substitute House Bill No. 1900, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1903, by Representatives Scott, Miller, Cole, Riley, Ludwig, Locke, Wineberry, Appelwick, Rasmussen, Wang, Ferguson and Anderson

Requiring trigger-locking devices on handguns.

The bill was read the second time. On motion of Mr. Ludwig, Substitute House Bill No. 1903 was substituted for House Bill No. 1903, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1903 was read the second time.

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

Representatives Scott and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1903, and the bill passed the House by the following vote: Yeas - 87, Nays - 11, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Mielke, Miller, Mitchell, Moyer, Myers, H., Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Chandler, Fuhrman, Grant, Hochstatter, Lisk, McLean, Morris, Morton, Nealey, Neher, Prince - 11.

Substitute House Bill No. 1903, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1915, by Representatives R. King, Prentice, Morris, Prince, Nealey, Ogden and Chandler

Providing employment services in mental health programs.

The bill was read the second time. On motion of Ms. Leonard, Substitute House Bill No. 1915 was substituted for House Bill No. 1915, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1915 was read the second time.

Mr. R. King moved adoption of the following amendment:

On page 10, after line 24, insert the following:

"(19) The secretary may establish student loan forgiveness and conditional scholarship programs to recruit and retain qualified professionals within the community mental health work force when the secretary has determined a shortage of such professionals exists."

POINT OF ORDER

Ms. Spanel: Mr. Speaker, I request a ruling on scope and object.

MOTION

Mr. Dorn moved that the House defer further consideration of Substitute House Bill No. 1915 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1931, by Representatives Brough, Grant, Brumsickle, Broback, Neher, Morris, Mielke, Cantwell, Chandler, Van Luven, D. Sommers, Holland, Wilson, Bowman, Mitchell, Ferguson, Wynne and Forner

Raising the limit on nonprofit raffles.

The bill was read the second time. On motion of Ms. Cole, Substitute House Bill No. 1931 was substituted for House Bill No. 1931, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1931 was read the second time.

Mr. O'Brien moved adoption of the following amendment by Representatives O'Brien and May:

On page 3, after line 6, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts derived by a nonprofit organization as a result of conducting or participating in a fundraising auction.

(2) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

NEW SECTION. Sec. 3. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to fundraising auction sales conducted or participated in by nonprofit organizations.

(2) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

NEW SECTION. Sec. 4. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter shall not apply in respect to the use of tangible personal property that has been purchased from a nonprofit organization at a fundraising auction sale that was conducted by the nonprofit organization or in which the nonprofit organization participated.

(2) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office."

POINT OF ORDER

Mr. Braddock: Mr. Speaker, with deep regret I request a ruling on scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Braddock, the Speaker has examined Substitute House Bill No. 1931 and the amendment offered by Representatives O'Brien and May. The bill is clear and straight forward--an act relating to limits on nonprofit raffles. All the bill does is raise the exemption from five to ten thousand dollars on the raffles. The amendment applies to a tax exemption for auctions. The Speaker finds that the amendment does not perfect; it brings in an additional subject. I find, Representative Braddock, that your point is well taken. The amendment offered by Representatives O'Brien and May is outside the scope and object of the original bill.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1931, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1931, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1915, by House Committee on Human Services (originally sponsored by Representatives R. King, Prentice, Morris, Prince, Nealey, Ogden and Chandler)

Providing employment services in mental health programs.

The House resumed consideration of Substitute House Bill No. 1915 on second reading.

The Speaker stated the question before the House to the Point of Order by Representative Spanel regarding the scope and object of the amendment by on page 10, after line 24, by Representative R. King.

SPEAKER'S RULING

The Speaker: Representative Spanel, the Speaker has examined Substitute House Bill No. 1915 and the amendment offered by Representative R. King. The legislation deals with services that a county mental health program will provide for employment services, which may include several subjects. The amendment offered by Representative R. King authorizes the Secretary of the Department of Social and Health Services to establish student loan forgiveness and conditional scholarship programs to recruit and retain community mental health professionals. I think the amendment clearly introduces a new subject; it does not perfect the original intent of the legislation. Representative Spanel, I find that your point is well taken. The amendment is outside the scope and object of the original bill.

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

Representatives R. King and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1915, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1915, having received the constitutional majority, was declared passed.

The Speaker called on Representative R. Meyers to preside.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease.
The Speaker (Mr. R. Meyers presiding) called the House to order.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1653 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1653, by Representatives Pruitt, Peery and Dellwo

Authorizing release time for partners in education.

The bill was read the second time. On motion of Mr. Heavey, Substitute House Bill No. 1653 was substituted for House Bill No. 1653, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1653 was read the second time.

Mr. Pruitt moved adoption of the following amendments:

On page 2, strike line 4 and renumber remaining subsections consecutively.

On page 3, line 20, strike "release time" and insert "leave"

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

Ms. Brough moved adoption of the following amendments:

On page 3, after line 8, insert:

"(d) Serving as a classroom teacher without being under the supervision of a certificated teacher; provided that the person: (i) serves without compensation or other benefits, (ii) holds a baccalaureate degree from an accredited college or university, and (iii) complies with applicable background check requirements under RCW 28A.410.010."

On page 4, after line 6, insert:

"NEW SECTION. Sec. 5. A new section is added to chapter 28A.410 RCW to read as follows:

Pursuant to section 2 of this 1991 act, the state board of education shall allow school districts to utilize, without compensation or other benefits, persons without certificates to teach classes without being under the supervision of a certificated teacher if the person: (1) holds a baccalaureate degree from an accredited college or university; and (2) complies with applicable background check requirements under RCW 28A.410.010."

POINT OF ORDER

Mr. Pruitt: Mr. Speaker, I request a ruling on scope and object of this amendment.

The Speaker resumed the Chair.

SPEAKER'S RULING

The Speaker: Representative Pruitt, the Speaker has examined both Substitute House Bill No. 1653 and the amendments offered by Representative Brough. The bill talks about employees being able to take time off for a number of specified duties, basically volunteering somewhere in the educational system. The amendments, while it looks a little bit parallel in offering a new reason for giving an employee some time off, bring in an entirely new subject-- a major change in who can teach in a classroom. I find that the amendment is not perfecting; it brings in a whole new subject. Representative Pruitt, I find that your point is well taken. The amendment is outside the scope and object of the original bill.

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

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

The Speaker called on Representative R. Meyers to preside.

Representatives Brough and Fuhrman spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1653, and the bill passed the House by the following vote: Yeas - 55, Nays - 43, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, and Mr. Speaker - 55.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky - 43.

Engrossed Substitute House Bill No. 1653, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1831 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1831, by Representatives Wang and Appelwick

Subjecting certain ownership changes to real estate excise taxation.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1831 was substituted for House Bill No. 1831, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1831 was read the second time.

Mr. Van Luven moved adoption of the following amendment by Representatives Van Luven, Wang and Holland:

On page 2, after line 23, insert:

"(1) When the taxpayer demonstrates by a preponderance of the evidence that the primary intent of the ownership transfer is for purposes other than avoidance of the tax imposed in chapter 82.45 RCW."

Re-number subsections consecutively and correct any internal references accordingly.

Representatives Van Luven and Wang spoke in favor of adoption of the amendment, and it was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1831, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremeñ, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Padden - 01.

Engrossed Substitute House Bill No. 1831, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1932 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1932, by Representatives Locke, Appelwick, H. Sommers, Wineberry, Anderson, Ferguson, Brough, May, Paris, Mitchell, Phillips, O'Brien, Nelson, Forner and Jacobsen

Raising school levy limits.

The bill was read the second time. Committee on Education recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Education as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Peery, Substitute House Bill No. 1932 was substituted for House Bill No. 1932, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1932 was read the second time.

On motion of Ms. Spanel, the committee amendment by Committee on Appropriations was adopted.

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

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

Representatives Peery and Brough spoke in favor of passage of the bill, and Mr. Betrozoff spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1932, and the bill passed the House by the following vote: Yeas - 65, Nays - 33, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, May, Meyers, R., Mitchell, Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Vance, Van Luven, Wang, Wineberry, Wynne, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Bray, Broback, Brumsickle, Casada, Chandler, Edmondson, Fuhrman, Haugen, Hochstatter, Horn, Lisk, Ludwig, McLean, Mielke, Miller, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Silver, Sommers, D., Tate, Wilson, Winsley, Wood - 33.

Engrossed Substitute House Bill No. 1932, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1954 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1959, by Representatives Hargrove, Winsley and Heavey

Revising provisions for collective bargaining for local government correctional and radio dispatch employees.

The bill was read the second time. On motion of Mr. Heavey, Substitute House Bill No. 1959 was substituted for House Bill No. 1959, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1959 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1959, and the bill passed the House by the following vote: Yeas - 69, Nays - 29, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betzoff, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, Meyers, R., Miller, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Tate, Valle, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 69:

Voting nay: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, May, McLean, Mielke, Mitchell, Morton, Moyer, Nealey, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Vance, Van Luven - 29.

Substitute House Bill No. 1959, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1960, by Representatives Prentice, Paris, Day, Braddock, Cantwell, Edmondson, Franklin, Morris, Phillips, Pruitt, Basich, Leonard, Orr, Wood, R. Johnson, Heavey, Wineberry, May, D. Sommers, Beck and Dellwo

Redefining practice beyond the scope of practice for health professions.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1960 was substituted for House Bill No. 1960, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1960 was read the second time.

Mr. Braddock moved adoption of the following amendment by Representatives Braddock and Moyer:

Strike everything after the enacting clause and insert the following:

"PART 1

TEMPORARY PRACTICE PERMITS

CONTINUED HEALTH PROFESSIONAL COMPETENCY DEMONSTRATION PROJECTS"

Sec. 1. RCW 18.130.010 and 1986 c 259 s 1 are each amended to read as follows:

It is the intent of the legislature to strengthen and consolidate disciplinary and licensure procedures for the licensed health and health-related professions and businesses by providing a uniform disciplinary act with standardized procedures for the licensure of health care professionals and the enforcement of laws the purpose of which is to assure the public of the adequacy of professional competence and conduct in the healing arts.

It is also the intent of the legislature that all health and health-related professions newly credentialed by the state come under the uniform disciplinary act.

Further, the legislature declares that the addition of public members on all health care boards can give both the state and the public, which it has a statutory responsibility to protect, assurances of accountability and confidence in the various practices of health care.

NEW SECTION. Sec. 2. A new section is added to chapter 18.130 RCW to read as follows:

If an individual licensed in another state, that has licensing standards substantially equivalent to Washington, applies for a license, the disciplining authority shall issue a temporary practice permit authorizing the applicant to practice the profession pending completion of documentation that the applicant meets the requirements for a license and is also not subject to denial of a license or issuance of a conditional license under this chapter. The temporary permit may reflect statutory limitations on the scope of practice. The permit shall be issued only upon the disciplining authority receiving verification from the states in which the applicant is licensed that the applicant is currently licensed and is not subject to charges or disciplinary action for unprofessional conduct or impairment. Notwithstanding RCW 34.05.422(3), the disciplining authority shall establish, by rule, the duration of the temporary practice permits. Failure to surrender the permit is a misdemeanor under RCW 9A.20.010 and shall be unprofessional conduct under this chapter. The issuance of temporary permits is subject to the provisions of this chapter, including summary suspensions.

"PART 2

STATE-WIDE HEALTH PERSONNEL RESOURCE PLAN"

NEW SECTION. Sec. 3. INTENT. The legislature finds that certain health care professional shortages exist and result in entire communities or specific populations within communities not having access to basic health care services. The legislature further finds that the state currently does not have a state-wide comprehensive and systematic policy for the purpose of identifying shortages and designing and implementing activities to address shortages. The legislature declares that the establishment of higher educational programming and other activities necessary to address health professional shortages should be a state policy concern and that a means to accomplish this in a manner so as not to impair the high quality of current higher education programming and activities should be established. The legislature further declares that the development of state policy on professional shortages should involve close coordination and consultation between state government, institutions of higher education that conduct health care research and train health care professionals, health care service providers, consumers, and others. The legislature further declares that the health care needs of the people of this state should be a primary factor determining state policymaking designed to address health professional shortages.

NEW SECTION. Sec. 4. STATE-WIDE HEALTH PERSONNEL RESOURCE PLAN. (1) The higher education coordinating board, the state board for community college education, the superintendent of public instruction, the state department of health, and the state department of social and health services, to be known for the purposes of this section as the committee, shall, in consultation with the higher education institutions and appropriate entities, establish a state-wide health personnel resource plan. The governor shall appoint a lead agency from one of the agencies on the committee. When establishing and implementing the state-wide health personnel resource plan the

committee shall, to the extent possible, utilize existing data and information, personnel, equipment, and office space and shall minimize travel and take such other steps necessary to reduce the administrative costs associated with the preparation and implementation of the plan.

(2) The committee shall include in the state-wide health resource plan the following:

(a) Identification of the type, number, and location of the health care professional work force necessary to meet health care needs of the state. A description and analysis of the composition and numbers of the potential work force available for meeting health care service needs of the population to be used for recruitment purposes. This should include a description of the data, methodology, and process used to make such determinations.

(b) A centralized inventory of the numbers of student applications to higher education and vocational technical training and education programs, yearly enrollments, yearly degrees awarded, and numbers on waiting lists for all the state's publicly funded health care training and education programs. The committee shall request similar information for incorporation into the inventory from private higher education and vocational technical training and education programs.

(c) A description of state-wide and local specialized provider training needs to meet the health care needs of target populations and a plan to meet such needs in a cost-effective and accessible manner.

(d) A description of the need for multiskilled health care professionals and an implementation plan to restructure educational and training programming to meet these needs.

(e) An analysis of the types and estimated numbers of health care personnel that will need to be recruited from out-of-state to meet the health professional needs not met by in-state trained personnel.

(f) An analysis of the need for educational articulation within the various health care disciplines and a plan for addressing the need.

(g) An analysis of the training needs of those members of the long-term care profession that are not regulated and that have no formal training requirements.

(h) A designation of the professions and geographic locations in which loan repayment and scholarships should be available based upon objective data-based forecasts of health professional shortages. A description of the criteria used to select professions and geographic locations shall be included. Designations of professions and geographic locations may be amended by the department of health when circumstances warrant as provided for in section 11 of this act.

(i) A description of needed changes in regulatory laws governing the credentialing of health professionals.

(j) A description of linguistic and cultural training needs of foreign-trained health care professions to assure safe and effective practice of their health care profession.

(k) A plan to implement the recommendations of the state-wide nursing plan authorized by RCW 74.39.040.

(l) A description of how the higher education coordinating board, state board of community college education, superintendent of public instruction, department of health and department of social and health services coordinated in the creation and implementation of the state plan including the areas of responsibility each agency shall assume.

(m) A description of the estimated fiscal requirements for implementation of the state-wide health resource plan.

(3) The committee may call upon other agencies of the state to provide available information to assist the committee in meeting the responsibilities under this chapter.

This information shall be supplied as promptly as circumstances permit and to the extent that funds are available.

(4) State agencies involved in the development of the plan shall to the extent possible utilize existing personnel and financial resources in the development and implementation of the state-wide health personnel resource plan.

(5) The state-wide health resource plan shall be submitted to the governor by July 1, 1992, and updated by July 1 of each even-numbered year. The governor, no later than December 1 of that year, shall approve, approve with modifications, or disapprove the state-wide health resource plan.

(6) The approved state-wide health resource plan shall be submitted to the legislature by December 1 each even-numbered year.

(7) Implementation of the state-wide plan as it pertains to the office of the superintendent of public instruction, the state board for community college education, the department of social and health services, and the department of health shall begin by July 1, 1993.

(8) Notwithstanding subsections (5) and (7) of this section, the committee shall prepare and submit to the higher education coordinating board by June 1, 1992, the analysis necessary for the initial implementation of the health professional loan repayment and scholarship program created in chapter 28B... RCW (as codified pursuant to section 26 of this act).

(9) The higher education coordinating board shall, in consultation with the higher education institutions and other appropriate entities, develop the higher education portion of the health personnel resource shortage plan. The plan shall address the following:

(a) A description of how education technology, including telecommunications, can be used to provide higher education health professions training programs.

(b) A description of how higher education programs are sensitive to the changing work force.

(c) A strategy for increasing graduates in the health professions, including such strategies for those declaring an intent to serve in health professional shortage areas after graduation.

(d) A description of policies for permitting academic credit for academically supervised internships.

(e) A description of a plan for making internships and residency programs geographically accessible to the extent practicable.

(f) An analysis of articulation within health care disciplines.

(g) Funding requirements to implement the plans. Plans shall be incorporated into the biennial budget submissions of each four-year higher education institution.

(10) Each publicly funded four-year institution of higher education authorized under Title 28B RCW that offers health training and education programs shall biennially prepare and submit an institutional plan to the higher education coordinating board as part of the institution's biennial budget submission. The institutional plan shall identify programming and activities of the institution that address the higher education portion of the state-wide health professional resource plan listed in subsection (9) of this section. The higher education coordinating board shall assess whether it meets the criteria and standards developed in the state-wide plan. The institutional plans shall become part of the state-wide resource plan and shall be implemented as additional resources are appropriated.

"PART 3

HEALTH PROFESSIONAL CREDENTIALING SUNRISE MODIFICATIONS"

Sec. 5. RCW 18.120.030 and 1983 c 168 s 3 are each amended to read as follows:

After July 24, 1983, if appropriate, applicant groups shall explain each of the following factors to the extent requested by the legislative committees of reference:

(1) A definition of the problem and why regulation is necessary:

- (a) The nature of the potential harm to the public if the health profession is not regulated, and the extent to which there is a threat to public health and safety;
- (b) The extent to which consumers need and will benefit from a method of regulation identifying competent practitioners, indicating typical employers, if any, of practitioners in the health profession; and
- (c) The extent of autonomy a practitioner has, as indicated by:
 - (i) The extent to which the health profession calls for independent judgment and the extent of skill or experience required in making the independent judgment; and
 - (ii) The extent to which practitioners are supervised;
- (2) The efforts made to address the problem:
 - (a) Voluntary efforts, if any, by members of the health profession to:
 - (i) Establish a code of ethics; or
 - (ii) Help resolve disputes between health practitioners and consumers; and
 - (b) Recourse to and the extent of use of applicable law and whether it could be strengthened to control the problem;
- (3) The alternatives considered:
 - (a) Regulation of business employers or practitioners rather than employee practitioners;
 - (b) Regulation of the program or service rather than the individual practitioners;
 - (c) Registration of all practitioners;
 - (d) Certification of all practitioners;
 - (e) Other alternatives;
 - (f) Why the use of the alternatives specified in this subsection would not be adequate to protect the public interest; and
 - (g) Why licensing would serve to protect the public interest;
- (4) The benefit to the public if regulation is granted:
 - (a) The extent to which the incidence of specific problems present in the unregulated health profession can reasonably be expected to be reduced by regulation;
 - (b) Whether the public can identify qualified practitioners;
 - (c) The extent to which the public can be confident that qualified practitioners are competent:
 - (i) Whether the proposed regulatory entity would be a board composed of members of the profession and public members, or a state agency, or both, and, if appropriate, their respective responsibilities in administering the system of registration, certification, or licensure, including the composition of the board and the number of public members, if any; the powers and duties of the board or state agency regarding examinations and for cause revocation, suspension, and nonrenewal of registrations, certificates, or licenses; the promulgation of rules and canons of ethics; the conduct of inspections; the receipt of complaints and disciplinary action taken against practitioners; and how fees would be levied and collected to cover the expenses of administering and operating the regulatory system;
 - (ii) If there is a grandfather clause, whether such practitioners will be required to meet the prerequisite qualifications established by the regulatory entity at a later date;
 - (iii) The nature of the standards proposed for registration, certification, or licensure as compared with the standards of other jurisdictions;
 - (iv) Whether the regulatory entity would be authorized to enter into reciprocity agreements with other jurisdictions; ~~(and)~~
 - (v) The nature and duration of any training including, but not limited to, whether the training includes a substantial amount of supervised field experience; whether training programs exist in this state; if there will be an experience requirement; whether the experience must be acquired under a registered, certificated, or licensed practitioner; whether there are alternative routes of entry or methods of meeting the prerequisite qualifications; whether all applicants will be required to pass an examination; and, if an

examination is required, by whom it will be developed and how the costs of development will be met; and

(vi) What additional training programs are anticipated to be necessary to assure training accessible state-wide; the anticipated time required to establish the additional training programs; the types of institutions capable of providing the training; a description of how training programs will meet the needs of the expected work force, including reentry workers, minorities, placebound students, and others;

(d) Assurance of the public that practitioners have maintained their competence:

(i) Whether the registration, certification, or licensure will carry an expiration date; and

(ii) Whether renewal will be based only upon payment of a fee, or whether renewal will involve reexamination, peer review, or other enforcement;

(5) The extent to which regulation might harm the public:

(a) The extent to which regulation will restrict entry into the health profession:

(i) Whether the proposed standards are more restrictive than necessary to insure safe and effective performance; and

(ii) Whether the proposed legislation requires registered, certificated, or licensed practitioners in other jurisdictions who migrate to this state to qualify in the same manner as state applicants for registration, certification, and licensure when the other jurisdiction has substantially equivalent requirements for registration, certification, or licensure as those in this state; and

(b) Whether there are similar professions to that of the applicant group which should be included in, or portions of the applicant group which should be excluded from, the proposed legislation;

(6) The maintenance of standards:

(a) Whether effective quality assurance standards exist in the health profession, such as legal requirements associated with specific programs that define or enforce standards, or a code of ethics; and

(b) How the proposed legislation will assure quality:

(i) The extent to which a code of ethics, if any, will be adopted; and

(ii) The grounds for suspension or revocation of registration, certification, or licensure;

(7) A description of the group proposed for regulation, including a list of associations, organizations, and other groups representing the practitioners in this state, an estimate of the number of practitioners in each group, and whether the groups represent different levels of practice; and

(8) The expected costs of regulation:

(a) The impact registration, certification, or licensure will have on the costs of the services to the public; ~~((and))~~

(b) The cost to the state and to the general public of implementing the proposed legislation; and

(c) The cost to the state and the members of the group proposed for regulation for the required education, including projected tuition and expenses and expected increases in training programs, staffing, and enrollments at state training institutions.

"PART 4

HEALTH PROFESSIONAL LOAN REPAYMENT AND SCHOLARSHIP PROGRAM"

Sec. 6. RCW 18.150.020 and 1989 1st ex.s. c 9 s 717 are each amended to read as follows:

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

(1) "Board" means the higher education coordinating board.

(2) "Department" means the state department of health.

(3) "Eligible education and training programs" means education and training programs approved by the department that lead to eligibility for a credential as a credentialed health care professional.

(4) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses determined by the board.

(5) "Eligible student" means a student who has been accepted into an eligible education or training program and has a declared intention to serve in a health professional shortage area upon completion of the education or training program.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render health care services in a health professional shortage area in the state of Washington in lieu of monetary repayment.

(7) "Health professional shortage areas" means those geographic areas where credentialed health care professionals are in short supply as a result of geographic maldistribution or as the result of a short supply of credentialed health care professionals in specialty health care areas and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department shall determine health professional shortage areas as provided for in section 11 of this act, or until June 1, 1992, as provided for in section 10 of this act. In making health professional shortage area designations in the state the department may be guided by applicable federal standards for "health manpower shortage areas," and "medically underserved areas," and "medically underserved populations."

(8) "Credentialed health care profession" means a health care profession regulated by a disciplining authority in the state of Washington under RCW 18.130.040 or by the state board of pharmacy under chapter 18.64 RCW and designated by the department in section 11 of this act, or until June 1, 1992, as established in section 10 of this act as a profession having shortages of credentialed health care professionals in the state.

(9) "Credentialed health care professional" means a person regulated by a disciplining authority in the state of Washington to practice a health care profession under RCW 18.130.040 or by the state board of pharmacy under chapter 18.64 RCW.

(10) "Loan repayment" means a loan that is paid in full or in part if the participant renders health care services in a health professional shortage area ((or medically underserved areas)) as defined by the department ((of health)).

((2)) (11) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated as a rural physician shortage area. The department shall identify the nonshortage rural areas of the state.

(12) "Participant" means a ((licensed)) credentialed health care professional who has received a loan repayment award and has commenced practice as a ((primary)) credentialed health care provider in a designated health professional shortage area or an eligible student who has received a scholarship under this program.

((3) "Board" means the higher education coordinating board.

(4) "Health professional shortage areas" means those geographic areas where health professionals are in short supply as a result of geographic maldistribution and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department of health shall determine health professional shortage areas in the state guided by federal standards of "health manpower shortage areas," and "medically underserved areas," and "medically underserved populations."

((5)) (13) "Program" means the health professional loan repayment and scholarship program.

(14) "Required service obligation" means an obligation by the participant to provide health care services in a health professional shortage area for a period to be established as provided for in this chapter.

(15) "Rural physician shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistributions and where their limited numbers jeopardize patient care and pose a threat to public health and safety. The department shall designate rural physician shortage areas.

(16) "Satisfied" means paid-in-full.

(~~((6)~~) "Licensed health professional" means a person authorized in the state of Washington to practice medicine pursuant to chapter 18.57 or 18.57A RCW or 18.71 or 18.71A RCW, to practice nursing pursuant to chapter 18.98 or 18.78 RCW, or to practice dentistry pursuant to chapter 18.32 RCW.) (17) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders health care services in a health professional shortage area.

(18) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.

Sec. 7. RCW 18.150.030 and 1989 1st ex.s. c 9 s 718 are each amended to read as follows:

The health professional loan repayment and scholarship program is established for ~~((licensed))~~ credentialed health professionals serving in health professional shortage areas. The program shall be administered by the higher education coordinating board. In administering this program, the board shall ~~((have the following duties))~~:

(1) ~~((It shall))~~ Select ~~((licensed))~~ credentialed health care professionals to participate in the loan repayment portion of the loan repayment and scholarship program and select eligible students to participate in the scholarship portion of the loan repayment and scholarship program;

(2) ~~((It shall))~~ Adopt rules and develop guidelines to administer the program;

(3) ~~((It shall))~~ Collect and manage repayments from participants who do not meet their service obligations under this chapter;

(4) Publicize the program, particularly to maximize participation among individuals in shortage areas and among populations expected to experience the greatest growth in the work force; ~~((and~~

~~((It shall))~~ (5) Solicit and accept grants and donations from public and private sources for the program; and

(6) Develop criteria for a contract for service in lieu of the service obligation where appropriate, that may be a combination of service and payment.

NEW SECTION. Sec. 8. The department may provide technical assistance to rural communities desiring to become sponsoring communities for the purposes of identification of prospective students for the program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide credentialed health care services in the community, forming agreements between rural communities in a service area to share credentialed health care professionals, and fulfilling any matching requirements.

Sec. 9. RCW 18.150.040 and 1989 1st ex.s. c 9 s 719 are each amended to read as follows:

The board shall establish a planning committee to assist it in developing criteria for the selection of participants. The board shall ~~((, at a minimum,))~~ include on the planning committee ~~((Representatives from rural hospitals; public health districts or departments; community and migrant clinics; and private providers))~~ representatives of the department, the department of social and health services, appropriate representatives from health care facilities, provider groups, consumers, the state board of community college education, the superintendent of public instruction, and other appropriate public and private agencies and organizations. The criteria may require that some of the participants meet the definition of "needy student" under RCW 28B.10.802.

NEW SECTION. Sec. 10. ELIGIBLE CREDENTIALLED HEALTH PROFESSIONS AND REQUIRED SERVICE OBLIGATIONS. Until June 1, 1992, the board, in consultation with the department, shall:

(1) Establish loan repayments for persons authorized to practice one of the following credentialed health care professions: Medicine pursuant to chapter 18.57, 18.57A, 18.71 or 18.71A RCW, nursing pursuant to chapter 18.78 or 18.88 RCW, or dentistry pursuant to chapter 18.32 RCW. The amount of the loan repayment shall not exceed fifteen thousand dollars per year for a maximum of five years per individual. The required service obligation in a health professional shortage area for loan repayment shall be three years;

(2) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in one of the following credentialed health care professions: Nursing pursuant to chapter 18.78 or 18.88 RCW who declare the intent to serve in a nurse shortage area as defined by the department upon completion of an education or training program and agree to a five-year service obligation. The amount of the scholarship shall not exceed three thousand dollars per year for a maximum of five years;

(3) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in one of the following credentialed health care professions: Medicine pursuant to chapter 18.57 or 18.71 RCW who declare an intent to serve as a primary care physician in a rural area in the state of Washington upon completion of the education program and agree to a five-year service obligation and who may receive a scholarship of no more than fifteen thousand dollars per year for five years.

In determining scholarship awards for prospective physicians, the selection criteria shall include requirements that recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

(4) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in one of the following credentialed health care professions: Midwifery pursuant to chapter 18.50 RCW or advanced registered nurse practitioner certified nurse midwifery under chapter 18.88 RCW who declare an intent to serve as a midwife in a midwifery shortage area in the state of Washington, as defined by the department, upon completion of the education program and agree to a five-year service obligation and who may receive a scholarship of no more than four thousand dollars per year for three years;

(5) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in the following credentialed health care profession: Pharmacy pursuant to chapter 18.64 RCW who declare an intent to serve as a pharmacist in a pharmacy shortage area in the state of Washington, as defined by the department, upon completion of the education program and agree to a five-year service obligation and who may receive a scholarship of no more than four thousand dollars per year for three years;

(6) Honor loan repayment and scholarship contract terms negotiated between the board and participants prior to the effective date of this act concerning loan repayment and scholarship award amounts and service obligations authorized under chapter 18.150, 28B.104, or 70.180 RCW.

NEW SECTION. Sec. 11. ELIGIBLE CREDENTIALLED HEALTH PROFESSIONS. After June 1, 1992, the department, in consultation with the board and the department of social and health services, shall:

(1) Determine eligible credentialed health care professions for the purposes of the loan repayment and scholarship program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. This determination shall be based upon health professional shortage needs identified in the health personnel resource plan authorized by section 4 of this act. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage as determined by the health personnel resource plan. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

(2) Determine health professional shortage areas for each of the eligible credentialed health care professions.

NEW SECTION. Sec. 12. REQUIRED SERVICE OBLIGATIONS. After June 1, 1992, the board, in consultation with the department and the department of social and health services, shall:

(1) Establish the annual award amount for each credentialed health care profession which shall be based upon an assessment of reasonable annual eligible expenses involved in training and education for each credentialed health care profession. The annual award amount may be established at a level less than annual eligible expenses. The annual award amount shall not be less than three thousand dollars per year nor more than fifteen thousand dollars per year. The awards shall not be paid for more than a maximum of five years per individual;

(2) Determine any scholarship awards for prospective physicians in such a manner to require the recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

(3) Establish the required service obligation for each credentialed health care profession, which shall be no less than three years or no more than five years. The required service obligation may be based upon the amount of the scholarship or loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

(4) Determine eligible education and training programs for purposes of the scholarship portion of the program;

(5) Honor loan repayment and scholarship contract terms negotiated between the board and participants prior to the effective date of this section concerning loan repayment and scholarship award amounts and service obligations authorized under chapter 18.150, 28B.104, or 70.180 RCW.

Sec. 13. RCW 18.150.050 and 1989 1st ex.s. c 9 s 720 are each amended to read as follows:

(1) The board may grant loan repayment and scholarship awards to eligible participants from the funds appropriated for this purpose, or from any private or public

~~funds given to the board for this purpose. ((The amount of the loan repayment shall not exceed fifteen thousand dollars per year for a maximum of five years. The board may establish awards of less than fifteen thousand dollars per year based upon reasonable levels of expenditures for each of the health professions covered by this chapter.)) Participants ((in the conditional scholarship program authorized by chapter 28B.104 RCW are ineligible to receive assistance from the program authorized by this chapter)) are ineligible to receive loan repayment if they have received a scholarship from programs authorized under this chapter or chapter 28B.104 or 70.180 RCW or are ineligible to receive a scholarship if they have received loan repayment authorized under this chapter or chapter 18.150 RCW.~~

(2) Funds appropriated for the program, including reasonable administrative costs, may be used by the board for the purposes of loan repayments or scholarships. The board shall annually establish the total amount of funding to be awarded for loan repayments and scholarships and such allocations shall be established based upon the best utilization of funding for that year and based upon the health personnel resource plan authorized in section 4 of this act.

(3) One portion of the funding shall be used by the board as a recruitment incentive for recruitment activities in state-operated institutions, county public health departments and districts, county human service agencies, federal and state contracted community health clinics, and other health care facilities, such as rural hospitals that have been identified by the department, as providing substantial amounts of charity care or publicly subsidized health care; one portion of the funding shall be used by the board for all other awards. The board shall determine the amount of total funding to be distributed between the two portions.

NEW SECTION. Sec. 14. PARTICIPANT REQUIREMENT TO ACCEPT PAYMENT. In providing health care services the participant shall not discriminate against a person on the basis of the person's ability to pay for such services or because payment for the health care services provided to such persons will be made under the insurance program established under part A or B of Title XVIII of the federal social security act or under a state plan for medical assistance including Title XIX of the federal social security act or under the state medical assistance program authorized by chapter 74.09 RCW and agrees to accept assignment under section 18.42(b)(3)(B)(ii) of the federal social security act for all services for which payment may be made under part B of Title XVIII of the federal social security act and enters into an appropriate agreement with the department of social and health services for medical assistance under Title XIX of the federal social security act to provide services to individuals entitled to medical assistance under the plan and enters into appropriate agreements with the department of social and health services for medical care services under chapter 74.09 RCW. Participants found by the board or the department in violation of this section shall be declared ineligible for receiving assistance under the program authorized by this chapter.

Sec. 15. RCW 18.150.060 and 1989 1st ex.s. c 9 s 721 are each amended to read as follows:

Participants in the health professional loan repayment and scholarship program who are awarded loan repayments shall receive payment from the program for the purpose of repaying educational loans secured while attending a program of health professional training which led to ~~((license as a licensed))~~ a credential as a credentialed health professional in the state of Washington.

(1) Participants shall agree to ((serve at least three years)) meet the required service obligation in a designated health professional shortage area.

(2) ((In providing health care services the participant shall not discriminate against any person on the basis of the person's ability to pay for such services or because payment for the health care services provided to such persons will be made under the insurance program established under part A or B of Title XVIII of the federal social

~~security act or under a state plan for medical assistance approved under Title XIX of the federal social security act and agrees to accept assignment under section 18.42(b)(3)(B)(ii) of such act for all services for which payment may be made under part B of Title XVIII and enters into an appropriate agreement with the department of social and health services for medical assistance under Title XIX to provide services to individuals entitled to medical assistance under the plan. Participants found by the board in violation of this section shall be declared ineligible for receiving assistance under the program authorized by this chapter.~~

~~((3))~~ (3) Repayment shall be limited to ~~((reasonable))~~ eligible educational and living expenses as determined by the board and shall include principal and interest.

~~((4))~~ (3) Loans from both government and private sources may be repaid by the program. Participants shall agree to allow the board access to loan records and to acquire information from lenders necessary to verify eligibility and to determine payments. Loans may not be renegotiated with lenders to accelerate repayment.

~~((5))~~ (4) Repayment of loans established pursuant to this program shall begin no later than ninety days after the individual has become a participant. Payments shall be made quarterly, or more frequently if deemed appropriate by the board, to the participant until the loan is repaid or the participant becomes ineligible due to discontinued service in a health professional shortage area or after the ~~((fifth year of services))~~ required service obligation when eligibility discontinues, whichever comes first.

~~((6))~~ (5) Should the participant discontinue service in a health professional shortage area payments against the loans of the participants shall cease to be effective on the date that the participant discontinues service.

~~((7))~~ (6) Except for circumstances beyond their control, participants who serve less than ~~((three years))~~ the required service obligation shall be obligated to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to any payments on the unsatisfied portion of the principal and interest. The board shall determine the applicability of this subsection.

~~((8))~~ (7) The board is responsible for the collection of payments made on behalf of participants from the participants who discontinue service before ~~((their three year))~~ completion of the required service obligation. The board shall exercise due diligence in such collection, maintaining all necessary records to ensure that the maximum amount of payment made on behalf of the participant is recovered. Collection under this section shall be pursued using the full extent of the law, including wage garnishment if necessary.

~~((9))~~ (8) The board shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

NEW SECTION. Sec. 16. PARTICIPANT OBLIGATION--SCHOLARSHIPS.

(1) Participants in the health professional loan repayment and scholarship program who are awarded scholarships incur an obligation to repay the scholarship, with interest, unless they serve the required service obligation in a health professional shortage area in the state of Washington.

(2) The terms of the repayment, including deferral and rate of interest, shall be consistent with the terms of the federal guaranteed student loan program.

(3) The period for repayment shall coincide with the required service obligation, with payments accruing quarterly commencing no later than nine months from the date the participant completes or discontinues the course of study or completes or discontinues the required residency.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant serves in a health professional shortage area until the entire repayment obligation is satisfied or the borrower ceases to so serve. Should the participant cease to serve in a health professional shortage area of this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the

remainder of the participant's repayment obligation is satisfied. Except for circumstances beyond their control, participants who serve less than the required service obligation shall be obliged to repay to the program an amount equal to twice the total amount paid by the program on their behalf.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the board and shall be used to cover the costs of granting the scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant scholarships to eligible students.

(7) Sponsoring communities who financially contribute to the eligible financial expenses of eligible medical students may enter into agreements with the student to require repayment should the student not serve the required service obligation in the community as a primary care physician. The board may develop criteria for the content of such agreements with respect to reasonable provisions and obligations between communities and eligible students.

(8) The board may make exceptions to the conditions for participation and repayment obligations should circumstances beyond the control of individual participants warrant such exceptions.

Sec. 17. RCW 28B.20.500 and 1990 c 271 s 9 are each amended to read as follows:

The school of medicine at the University of Washington shall develop and implement a policy to grant admission preference to prospective medical students from rural areas of the state who agree to serve for at least five years as primary care physicians in rural areas of Washington after completion of their medical education and have applied for and meet the qualifications of the program under ~~((RCW 70.180.050))~~ chapter 28B.50 (codified pursuant to section 26 of this act). Should the school of medicine be unable to fill any or all of the admission openings due to a lack of applicants from rural areas who meet minimum qualifications for study at the medical school, it may admit students not eligible for preferential admission under this section.

Sec. 18. RCW 70.180.005 and 1990 c 271 s 1 are each amended to read as follows:

The legislature finds that a health care access problem exists in rural areas of the state ~~((due to a lack of practicing physicians, physician assistants, pharmacists, and advanced registered nurse practitioners. In addition, many of these))~~ because rural health care providers are unable to leave the community for short-term periods of time to attend required continuing education training or for personal matters because their absence would leave the community without adequate medical care coverage. The lack of adequate medical coverage in geographically remote rural communities constitutes a threat to the health and safety of the people in those communities.

The legislature declares that it is in the public interest to recruit and maintain a pool of physicians, physician assistants, pharmacists, and advanced registered nurse practitioners willing and able on short notice to practice in rural communities on a short-term basis to meet the medical needs of the community.

NEW SECTION. Sec. 19. DEDICATED ACCOUNT--TRUST FUND. (1) Any funds appropriated by the legislature for the health professional loan repayment and scholarship program or any other public or private funds intended for loan repayments or scholarships under this program shall be placed in the account created by this section.

(2) The health professional loan repayment and scholarship program fund is created in custody of the state treasurer. All receipts from the program shall be deposited into the fund. Only the higher education coordinating board, or its designee, may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 20. A new section is added to chapter 70.180 RCW to read as follows:

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

(1) "Department" means the department of health.

(2) "Rural areas" means a rural area in the state of Washington as identified by the department.

"PART 5

CREDENTIALING BY ENDORSEMENT"

NEW SECTION. Sec. 21. A new section is added to chapter 18.53 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT--OPTOMETRY. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the board determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 22. A new section is added to chapter 18.35 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT--HEARING AIDE DISPENSERS. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the board determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 23. A new section is added to chapter 18.50 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT--MIDWIFERY. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 24. A new section is added to chapter 18.34 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT--DISPENSING OPTICIANS. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

"PART 6

MISCELLANEOUS"

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

- (1) RCW 18.150.080 and 1989 1st ex.s. c 9 s 723;
- (2) RCW 28B.102.010 and 1987 c 437 s 1;
- (3) RCW 28B.102.020 and 1987 c 437 s 2;
- (4) RCW 28B.102.030 and 1987 c 437 s 3;
- (5) RCW 28B.102.040 and 1987 c 437 s 4;
- (6) RCW 28B.102.045 and 1988 c 125 s 7;
- (7) RCW 28B.102.050 and 1987 c 437 s 5;
- (8) RCW 28B.102.060 and 1987 c 437 s 6;

- (9) RCW 28B.102.070 and 1987 c 437 s 7;
- (10) RCW 28B.102.900 and 1987 c 437 s 9;
- (11) RCW 28B.102.905 and 1987 c 437 s 10;
- (12) RCW 70.180.007 and 1990 c 271 s 5;
- (13) RCW 70.180.010 and 1990 c 271 s 6;
- (14) RCW 70.180.050 and 1990 c 271 s 7;
- (15) RCW 70.180.060 and 1990 c 271 s 8;
- (16) RCW 70.180.070 and 1990 c 271 s 10;
- (17) RCW 70.180.080 and 1990 c 271 s 11;
- (18) RCW 70.180.090 and 1990 c 271 s 12;
- (19) RCW 70.180.100 and 1990 c 271 s 13; and
- (20) RCW 70.180.910 and 1990 c 271 s 19.

NEW SECTION. Sec. 26. RCW 18.150.010, 18.150.020, 18.150.030, 18.150.040, 18.150.050, 18.150.060, 18.150.070, 18.150.900, and 18.150.910 are each recodified as a new chapter in Title 28B RCW.

NEW SECTION. Sec. 27. Sections 8, 10, 11, 12, 14, 16, and 19 of this act are each added to the new chapter in Title 28B RCW created by section 26 of this act.

NEW SECTION. Sec. 28. Sections 3 and 4 of this act shall constitute a new chapter in Title 28B RCW.

Sec. 29. RCW 18.130.180 and 1989 c 270 s 33 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

- (8) Failure to cooperate with the disciplining authority by:
- (a) Not furnishing any papers or documents;
 - (b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or
 - (c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;
- (9) Failure to comply with an order issued by the disciplining authority or an assurance of discontinuance entered into with the disciplining authority;
- (10) Aiding or abetting an unlicensed person to practice when a license is required;
- (11) Violations of rules established by any health agency;
- (12) Practice beyond the scope of practice as defined by law or rule;
- (13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;
- (14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;
- (15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;
- (16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;
- (17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;
- (18) The procuring, or aiding or abetting in procuring, a criminal abortion;
- (19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;
- (20) The willful betrayal of a practitioner-patient privilege as recognized by law;
- (21) Violation of chapter 19.68 RCW;
- (22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;
- (23) Current misuse of:
- (a) Alcohol;
 - (b) Controlled substances; or
 - (c) Legend drugs;
- (24) Abuse of a client or patient or sexual contact with a client or patient.
- NEW SECTION.** Sec. 30. Section captions and part headings as used in sections 3, 4, 10 through 12, 14, 16, 19 through 24, and 25 through 30 of this act constitute no part of the law.
- NEW SECTION.** Sec. 31. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.
- NEW SECTION.** Sec. 32. If funding for the purposes of sections 1 through 28 this act, referencing sections 1 through 28 of this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 1 through 28 of this act shall be null and void.
- NEW SECTION.** Sec. 33. Nothing in this act is intended to change the scope of practice of any health care profession referred to in this act.

Representatives Braddock and Moyer spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Braddock and Moyer to the title was adopted:

On page 1, line 1 of the title, after "regulation;" strike the remainder of the title and insert "amending RCW 18.130.010, 18.120.030, 18.150.020, 18.150.030, 18.150.040, 18.150.050, 18.150.060, 28B.20.500, 70.180.005, and 18.130.180; adding a new section to chapter 18.130 RCW; adding a new section to chapter 70.180 RCW; adding a new section to chapter 18.53 RCW; adding a new section to chapter 18.35 RCW; adding a new section to chapter 18.50 RCW; adding a new section to chapter 18.34 RCW; adding new chapters to Title 28B RCW; creating new sections; recodifying RCW 18.150.010, 18.150.020, 18.150.030, 18.150.040, 18.150.050, 18.150.060, 18.150.070, 18.150.900, and 18.150.910; repealing RCW 18.150.080, 28B.102.010, 28B.102.020, 28B.102.030, 28B.102.040, 28B.102.045, 28B.102.050, 28B.102.060, 28B.102.070, 28B.102.900, 28B.102.905, 70.180.007, 70.180.010, 70.180.050, 70.180.060, 70.180.070, 70.180.080, 70.180.090, 70.180.100, and 70.180.910; prescribing penalties; and declaring an emergency."

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1960, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1960, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1986, by Representatives Leonard, Cooper, Prentice, Ferguson, Sprenkle, Winsley, Appelwick, Braddock, Moyer, Locke, Paris, R. King, Wang, Valle, Ludwig, Kremen, Jacobsen, Dellwo, Holland, Inslee, H. Myers, Van Luven, O'Brien, Spanel, Mitchell, Brekke and Rasmussen

Providing for the protection and advocacy of the rights of developmentally disabled persons.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1986, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1986, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1992, by Representatives R. Fisher, Betrozoff, R. Meyers, Forner and Cantwell; by request of Department of Transportation

Implementing advance right of way acquisitions.

The bill was read the second time.

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

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1992 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell,

Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Inslee - 01.

House Bill No. 1992, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2039, by Representatives Sprenkle, D. Sommers, Horn, Brekke, Anderson, Rust, Pruitt and Valle

Implementing space allocation standards for collection of solid waste and recyclable materials.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2039, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Cooper - 01.

House Bill No. 2039, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2058, by Representatives Scott, Riley, Paris, H. Myers, Miller, Forner, Belcher, Ludwig, Inslee, Wineberry, Locke, Appelwick, Holland, Roland, Winsley, D. Sommers, Morris, Spanel, R. Johnson and Rasmussen

Clarifying the application of the statute of limitations to actions based on childhood sexual abuse.

The bill was read the second time. On motion of Mr. Ludwig, Substitute House Bill No. 2058 was substituted for House Bill No. 2058, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2058 was read the second time.

Mr. Appelwick moved adoption of the following amendment by Representatives Locke, Appelwick and Scott:

On page 2, beginning on line 26, after "or (c)" strike everything through "brought" and insert the following: "three years of the time the victim discovered or reasonably should have discovered the injury caused by the act, in those cases when the victim is aware of the act but has not discovered or manifested the injury for which the claim is brought until more than three years after the act"

Representatives Appelwick and Padden spoke in favor of adoption of the amendment, and it was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2058, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2058, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2084, by Representatives Prentice, Cole, Brekke, Braddock, Anderson, Day and Leonard

Providing for clinical privileges and staff membership for nonphysician health practitioners.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 2084 was substituted for House Bill No. 2084, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2084 was read the second time.

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

Ms. Prentice spoke in favor of passage of the bill, and Mr. Moyer spoke against it. Representatives Jones, Sprenkle and Hochstatter spoke in favor of the bill, and Mr. Moyer again opposed it.

Mr. Zellinsky demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2084, and the bill passed the House by the following vote: Yeas - 66, Nays - 32, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Belcher, Betrozoff, Braddock, Bray, Brekke, Brough, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Fraser, Fuhrman, Grant, Hargrove, Haugen, Hine, Hochstatter, Holland, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Leonard, Locke, Meyers, R., Miller, Mitchell, Morris, Morton, Myers, H., Nelson, O'Brien, Ogden, Orr, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Riley, Roland, Rust, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Winsley, Wood, and Mr. Speaker - 66.

Voting nay: Representatives Ballard, Basich, Beck, Bowman, Broback, Brumsickle, Edmondson, Ferguson, Forner, Franklin, Heavey, Horn, Kremen, Lisk, Ludwig, May, McLean, Mielke, Moyer, Nealey, Neher, Paris, Rasmussen, Rayburn, Schmidt, Silver, Tate, Vance, Van Luven, Wilson, Wynne, Zellinsky - 32.

Substitute House Bill No. 2084, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2119, by Representatives Appelwick and Vance

Sentencing sexually violent offenders.

The bill was read the second time.

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

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2119, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Brekke - 01.

House Bill No. 2119, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2132, by Representatives Wang, Holland, Morris, Silver, Appelwick, McLean, May, Zellinsky and Bowman

Modifying the definition of employee to include certain insurance salespersons for the purposes of the business and occupation tax exemption under RCW 82.04.360.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 2132 was substituted for House Bill No. 2132, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2132 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2132, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Johnson, R. - 01.

Substitute House Bill No. 2132, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2142, by Representatives Spanel and Winsley; by request of Department of Retirement Systems

Providing a schedule for notification to public employees of accumulated service credit.

The bill was read the second time.

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

Representatives Spanel and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2142, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2142, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2151, by Representatives R. Fisher, G. Fisher, Forner, Mitchell, Prentice, Prince, Paris, Hine, Wood and Horn

Revising provisions relating to high capacity transportation systems.

The bill was read the second time. On motion of Ms. R. Fisher, Substitute House Bill No. 2151 was substituted for House Bill No. 2151, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2151 was read the second time.

Mr. Nelson moved adoption of the following amendments by Representatives Heavey and Nelson:

On page 17, line 25, strike "pamphlet" and insert "document"

On page 18, line 1, strike "pamphlet" and insert "document"

On page 18, line 3, after "(9)" insert "For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81.A RCW."

(10)"

Mr. Nelson spoke in favor of adoption of the amendments, and they were adopted.

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

Representatives R. Fisher and Nelson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2151, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson, R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Wineberry - 01.

Engrossed Substitute House Bill No. 2151, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 2156 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 2180, by Representatives Braddock and Spanel

Authorizing a hotel/motel tax for certain cities in first class counties.

The bill was read the second time.

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

Mr. Braddock spoke in favor of passage of the bill, and Mr. Holland spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2180, and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betrozoff, Braddock, Bray, Brekke, Broback, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, Meyers, R., Mielke, Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Silver, Sommers, H., Spanel, Sprenkle, Valle, Van Luven, Wang, Wineberry, Winsley, Wood, and Mr. Speaker - 74.

Voting nay: Representatives Ballard, Bowman, Brough, Brumsickle, Casada, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., May, McLean, Miller, Mitchell, Morton, Padden, Schmidt, Sommers D., Tate, Vance, Wilson, Wynne, Zellinsky - 24.

House Bill No. 2180, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1411 and House Bill No. 4211 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1411, by Representatives Hochstatter, Chandler, Nealey, Prince and Fuhrman

Revising provisions relating to the privilege tax imposed on public utility districts.

The bill was read the second time.

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

Representatives Hochstatter, Nealey and Chandler spoke in favor of passage of the bill, and Representatives Bray, Grant and Ebersole spoke against it. Mr. Hochstatter again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1411, and the bill failed to pass the House by the following vote: Yeas - 44, Nays - 54, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Cooper, Day, Edmondson, Ferguson, Former, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers H., Nealey, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Sprenkle, Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 44.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Neher, Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 54.

House Bill No. 1411, having failed to receive the constitutional majority, was declared lost.

HOUSE JOINT RESOLUTION NO. 4211, by Representatives R. Fisher, Anderson, Nelson, Cole, Rust, Brekke, Jacobsen, H. Sommers, Pruitt, Phillips, Fraser, G. Fisher, Ebersole, Hine, Cantwell, Scott, Valle, Winsley, Riley, Roland, O'Brien, Ogden, Wineberry, Spanel, Leonard and Sprenkle

Permitting motor vehicle taxes to be used for transportation purposes.

The resolution was read the second time.

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

Ms. R. Fisher spoke in favor of passage of the resolution.

The Speaker resumed the Chair.

Representatives Betrozoff, Sheldon, Horn and Schmidt spoke against passage of the resolution, and Representatives Hine and Heavey spoke in favor of it.

With consent of the House, House Rule 14(C) was suspended.

Ms. Forner spoke against passage of the resolution.

Mr. Zellinsky demanded the previous question, and the demand was sustained.

Ms. R. Fisher again spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Resolution No. 4211, and the resolution failed to pass the House by the following vote:
Yeas - 39, Nays - 59, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Cantwell, Cole, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Haugen, Heavey, Hine, Jacobsen, Johnson R., King, R., Leonard, Locke, Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Rasmussen, Riley, Roland, Rust, Scott, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, and Mr. Speaker - 39.

Voting nay: Representatives Ballard, Basich, Beck, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Casada, Chandler, Cooper, Day, Dellwo, Edmondson, Ferguson, Forner, Fuhrman, Grant, Hargrove, Hochstatter, Holland, Horn, Inslee, Johnson P., Jones, Kremen, Lisk, Ludwig, May, McLean, Meyers R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers H., Nealey, Neher, Orr, Padden, Paris, Prince, Pruitt, Rayburn, Schmidt, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky - 59.

House Joint Resolution No. 4211, having failed to receive the constitutional majority, was declared lost.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Wednesday, March 20, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 20, 1991

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Forner, Jacobsen, Morris, Scott, Van Luven and Wood. On motion of Mr. Mielke, Representatives Forner, Van Luven and Wood were excused. On motion of Ms. Cole, Representative Scott was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amy Lux and Matthew Strehlow. Prayer was offered by The Reverend Ben Harding, Minister of the United Churches of Olympia.

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

MESSAGES FROM THE SENATE

March 18, 1991

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5042,
 SUBSTITUTE SENATE BILL NO. 5128,
 SECOND SUBSTITUTE SENATE BILL NO. 5143,
 SENATE BILL NO. 5147,
 SECOND SUBSTITUTE SENATE BILL NO. 5167,
 ENGROSSED SENATE BILL NO. 5320,
 SECOND SUBSTITUTE SENATE BILL NO. 5341,
 SECOND SUBSTITUTE SENATE BILL NO. 5358,
 SUBSTITUTE SENATE BILL NO. 5359,
 SUBSTITUTE SENATE BILL NO. 5445,
 SUBSTITUTE SENATE BILL NO. 5458,
 SUBSTITUTE SENATE BILL NO. 5457,
 SUBSTITUTE SENATE BILL NO. 5497,
 SENATE BILL NO. 5510,
 SENATE BILL NO. 5524,
 SENATE BILL NO. 5528,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5534,
 SUBSTITUTE SENATE BILL NO. 5581,
 SENATE BILL NO. 5585,
 SECOND SUBSTITUTE SENATE BILL NO. 5591,

SUBSTITUTE SENATE BILL NO. 5612,
 SUBSTITUTE SENATE BILL NO. 5635,
 SUBSTITUTE SENATE BILL NO. 5653,
 SECOND SUBSTITUTE SENATE BILL NO. 5667,
 SUBSTITUTE SENATE BILL NO. 5669,
 SUBSTITUTE SENATE BILL NO. 5670,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5672,
 SUBSTITUTE SENATE BILL NO. 5721,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5724,
 SENATE BILL NO. 5746,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5753,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5768,
 SUBSTITUTE SENATE BILL NO. 5776,
 SUBSTITUTE SENATE BILL NO. 5796,
 SECOND SUBSTITUTE SENATE BILL NO. 5830,
 SENATE BILL NO. 5860,
 SECOND SUBSTITUTE SENATE BILL NO. 5882,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5919,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5929,
 ENGROSSED SENATE BILL NO. 5940,
 and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

March 19, 1991

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5003,
 ENGROSSED SENATE BILL NO. 5063,
 SENATE BILL NO. 5135,
 SENATE BILL NO. 5150,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5156,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5174,
 SECOND SUBSTITUTE SENATE BILL NO. 5181,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5184,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5269,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278,
 SUBSTITUTE SENATE BILL NO. 5329,
 SECOND SUBSTITUTE SENATE BILL NO. 5347,
 SUBSTITUTE SENATE BILL NO. 5350,
 SUBSTITUTE SENATE BILL NO. 5374,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5380,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5540,
 ENGROSSED SENATE BILL NO. 5566,
 SECOND SUBSTITUTE SENATE BILL NO. 5568,
 SUBSTITUTE SENATE BILL NO. 5628,
 SENATE BILL NO. 5684,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5756,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5780,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5782,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5837,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5841,
 SUBSTITUTE SENATE BILL NO. 5873,
 SENATE BILL NO. 5904,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2186 by Representatives Locke and Silver; by request of Department of Community Development

AN ACT Relating to fire protection; amending RCW 35.21.777; and repealing RCW 35.21.775.

Referred to Committee on Appropriations.

SB 5042 by Senators Cantu, Madsen, Hayner, Sutherland, Thorsness, von Reichbauer, Rasmussen, Pelz, Craswell, Conner, Bluechel, L. Smith, Roach, Johnson, Saling, Bailey, Bauer, Snyder, Anderson and Gaspard; by request of Governor Gardner

Extending the commission for efficiency and accountability an additional four years.

Referred to Committee on State Government.

SSB 5128 by Senate Committee on Ways & Means (originally sponsored by Senators Madsen, Jesernig and Rasmussen)

Requiring notification to witnesses upon release or escape of serious drug offenders.

Referred to Committee on Judiciary.

2SSB 5143 by Senate Committee on Ways & Means (originally sponsored by Senators Metcalf, Murray and Conner)

Increasing the procurement of recycled products.

Referred to Committees on Environmental Affairs/Appropriations.

SB 5147 by Senators Nelson, A. Smith and Newhouse

Protecting alternative dispute resolution processes and mediators and arbitrators from legal action.

Referred to Committee on Judiciary.

2SSB 5167 by Senate Committee on Ways & Means (originally sponsored by Senators Nelson, Rasmussen, Newhouse, Stratton, Roach, Niemi and Talmadge)

Amending the juvenile justice act.

Referred to Committee on Judiciary.

SB 5320 by Senators Sutherland, L. Smith, Stratton, Talmadge, Roach and Amondson

Delineating circumstances for removing a child from the home.

Referred to Committee on Human Services.

2SSB 5341 by Senate Committee on Ways & Means (originally sponsored by Senators L. Kreidler, Bailey, Murray, Talmadge, Stratton and Bauer)

Providing liability insurance to foster parents.

Referred to Committees on Human Services/Appropriations.

2SSB 5358 by Senate Committee on Ways & Means (originally sponsored by Senators Barr and Madsen; by request of Jnt Sel Com on Water Resource Policy)

Providing for exchanges of water through interties.

Referred to Committee on Natural Resources & Parks.

SSB 5359 by Senate Committee on Ways & Means (originally sponsored by Senators Craswell, Conner, Rinehart, Gaspard, Murray, Bailey and Bauer)

Allowing the transfer of certain retirement credits from out-of-state teacher retirement plans.

Referred to Committee on Appropriations.

SSB 5445 by Senate Committee on Ways & Means (originally sponsored by Senators McDonald, Bluechel, McMullen, Vognild, Bailey and Conner; by request of Commissioner of Public Lands)

Providing for the purchase of state forest lands.

Referred to Committees on Natural Resources & Parks/Capital Facilities & Financing.

SSB 5457 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators L. Smith, Rasmussen, West, Stratton, Johnson, Owen, Saling, McCaslin, Bailey, Metcalf, Craswell, Amondson, Hayner, Thorsness and Cantu)

Prohibiting certain public contact and requiring notification of employers by persons infected with HIV.

Referred to Committee on Health Care.

SSB 5458 by Senate Committee on Ways & Means (originally sponsored by Senators L. Smith, Jesernig, Bauer and Newhouse)

Establishing regional service centers for the deaf.

Referred to Committee on Human Services.

SSB 5497 by Senate Committee on Commerce & Labor (originally sponsored by Senators McMullen, Matson, Rasmussen, Sellar, McCaslin, Murray and Stratton)

Revising the right to a construction lien.

Referred to Committee on Commerce & Labor.

SB 5510 by Senators Rasmussen, Moore, Nelson, Bauer, Saling and L. Smith

Allowing for restoration of withdrawn contributions in annual installments to the Washington public employees' retirement system.

Referred to Committee on Appropriations.

SB 5524 by Senators West, McMullen, Conner, McCaslin, Stratton, Wojahn, Bauer, Vognild, Madsen, von Reichbauer, Saling, Newhouse, Snyder and L. Kreidler

Limiting taxes on free hospitals.

Referred to Committee on Revenue.

SB 5528 by Senators Rinehart, Bailey, Murray and Erwin

Allowing local literacy programs for children.

Referred to Committee on Education.

E2SSB 5534 by Senate Committee on Ways & Means (originally sponsored by Senators Metcalf and Matson)

Modifying conditions regarding water discharge permit fees.

Referred to Committees on Environmental Affairs/Revenue.

SSB 5581 by Senate Committee on Ways & Means (originally sponsored by Senators Anderson, Murray, Pelz, McCaslin, McMullen, Moore, Craswell, Bailey, L. Smith and A. Smith)

Creating the community partnership program.

Referred to Committees on Trade & Economic Development/Appropriations.

SB 5585 by Senators West, Stratton, McCaslin and Saling

Establishing a license to sell liquor in motels.

Referred to Committee on Commerce & Labor.

2SSB 5591 by Senate Committee on Ways & Means (originally sponsored by Senators Metcalf, Amondson, A. Smith and Roach)

Adopting comprehensive recycling programs.

Referred to Committee on Environmental Affairs.

SSB 5612 by Senate Committee on Environment & Natural Resources (originally sponsored by Senators Bluechel, Snyder, Metcalf and Stratton; by request of Department of Natural Resources)

Changing provisions relating to natural resources conservation areas.

Referred to Committees on Natural Resources & Parks/Revenue.

SSB 5635 by Senate Committee on Health & Long-Term Care (originally sponsored by Senator West)

Changing provisions relating to advanced registered nurse practitioners.

Referred to Committee on Health Care.

SSB 5653 by Senate Committee on Ways & Means (originally sponsored by Senators Roach, Bailey, Stratton, Murray, Talmadge, Vognild,

McMullen, Gaspard, Snyder, Wojahn, Johnson, Jesernig, Thorsness and Pelz)

Authorizing specialized child care and respite care for children of homeless parents.

Referred to Committees on Human Services/Appropriations.

E2SSB 5667 by Senate Committee on Ways & Means (originally sponsored by Senators Niemi, West, Vognild, Bailey, Stratton, Saling, McMullen, L. Smith, Skratek and Sutherland)

Assuring access to local evaluation and treatment facilities.

Referred to Committees on Human Services/Appropriations.

SSB 5669 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Niemi and West)

Establishing housing trust fund priorities for projects submitted by regional support networks.

Referred to Committee on Housing.

SSB 5670 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Niemi and West)

Changing provisions relating to children's mental health.

Referred to Committees on Human Services/Appropriations.

SSB 5672 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Niemi, McDonald, West, L. Smith and Sutherland; by request of Office of Financial Management and Dept. of Social & Health Services)

Changing provisions relating to antipsychotic medication.

Referred to Committee on Health Care.

SSB 5721 by Senate Committee on Transportation (originally sponsored by Senators McDonald, Vognild and Patterson; by request of Department of Transportation and Department of General Administration)

Limiting the liability of state and local governments.

Referred to Committee on Judiciary.

E2SSB 5724 by Senate Committee on Ways & Means (originally sponsored by Senators Sutherland, Hayner and Owen)

Requiring the department of ecology to study impacts of regulating paper mill waste.

Referred to Committee on Environmental Affairs.

SB 5746 by Senators Barr, Hansen, Owen, Hayner, McMullen, Anderson, Newhouse, Oke, Patterson, Thorsness, Rasmussen and Vognild

Modifying requirements for compliance with environmental protection measures.

Referred to Committee on Environmental Affairs.

E2SSB 5753 by Senate Committee on Ways & Means (originally sponsored by Senators Oke, Bauer, Owen, Craswell, Metcalf, Roach, Nelson, L. Smith, Amondson and Thorsness)

Making major efforts to improve habitat for upland birds.

Referred to Committees on Fisheries & Wildlife/Revenue.

ESSB 5768 by Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Hayner, Barr, Newhouse and Anderson)

Requiring certain procedures when dealing with railroad rights of way.

Referred to Committee on Transportation.

SSB 5776 by Senate Committee on Commerce & Labor (originally sponsored by Senator McMullen)

Regulating alcoholic beverages.

Referred to Committee on Commerce & Labor.

SSB 5796 by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Niemi)

Making major changes to nursing assistant licensure.

Referred to Committee on Health Care.

2SSB 5830 by Senate Committee on Ways & Means (originally sponsored by Senators Stratton, Erwin, Rasmussen, Williams, Talmadge, Wojahn, Vognild, Pelz, Snyder and Owen)

Creating gang risk intervention pilot programs.

Referred to Committees on Human Services/Appropriations.

SB 5860 by Senators Hayner, McMullen, Matson and Gaspard; by request of Gambling Commission

Creating a legislative committee to review proposed Indian gaming compacts.

Referred to Committee on Commerce & Labor.

2SSB 5882 by Senate Committee on Ways & Means (originally sponsored by Senators Pelz, McCaslin, Johnson, Madsen, Moore and Owen)

Creating a drug asset forfeiture and criminal profiteering unit in the attorney general's office.

Referred to Committees on Judiciary/Appropriations.

E2SSB 5919 by Senate Committee on Ways & Means (originally sponsored by Senators Bailey, Anderson, Erwin, Oke, L. Smith, Johnson, Barr, Bluechel, von Reichbauer, Roach, Metcalf, Thorsness and McCaslin)

Adopting the bringing education home act.

Referred to Committees on Education/Appropriations.

ESSB 5929 by Senate Committee on Ways & Means (originally sponsored by Senators Cantu, McDonald and Rasmussen)

Providing tax exemptions for nonprofit organizations serving meals for fundraising purposes.

Referred to Committee on Revenue.

ESB 5940 by Senators Hayner, Bailey, Roach, Craswell, Oke, Erwin, Johnson, Bluechel, Barr, Cantu and Metcalf

Requiring legislative approval for lottery or electronic gambling devices.

Referred to Committee on Commerce & Labor.

MOTION

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

Representative Jacobsen appeared at the bar of the House.

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

SECOND READING

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced the House would begin consideration of House Bills on the suspension calendar.

HOUSE BILL NO. 1517, by Representatives Phillips, Horn, Rust, Basich, Jacobsen, D. Sommers, Brekke, Van Luven, Valle, Sprenkle, G. Fisher, R. King and Wang

Ratifying the Pacific Ocean Resources Compact.

The bill was read the second time.

Ms. Rust moved that the committee recommendation be adopted (For committee amendments, see Journal, 46th Day, February 28, 1991.) and the engrossed bill be advanced to third reading.

The Speaker (Mr. O'Brien) stated the question before the House to be final passage of Engrossed House Bill No. 1517.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1517, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 1, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle,

Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Morris - 01.

Excused: Representatives Forner, Scott, Van Luven, Wood - 04.

Engrossed House Bill No. 1517, having received the constitutional majority, was declared passed.

Representatives Forner, Van Luven and Wood appeared at the bar of the House.

HOUSE BILL NO. 1635, by Representatives Haugen, Day, D. Sommers, Nealey, Orr and Wynne

Providing for taxes to fund emergency medical care services.

The bill was read the second time.

Ms. Haugen moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1635.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1635, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogdan, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Morris - 01.

Excused: Representative Scott - 01.

Substitute House Bill No. 1635, having received the constitutional majority, was declared passed.

Representative Morris appeared at the bar of the House.

HOUSE BILL NO. 1729, by Representatives Wineberry, Vance, Inslee, Dellwo, Wang, Former and Anderson; by request of Administrator for the Courts

Preparing a plan for an expanded juror list.

The bill was read the second time.

Mr. Ludwig moved that the committee recommendation be adopted (For committee amendments, see Journal, 57th Day, March 11, 1991.) and the engrossed substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1729.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1729, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Scott - 01.

Engrossed Substitute House Bill No. 1729, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1739, by Representatives Leonard, Mitchell, Nelson, Winsley, Franklin, Locke, May, R. Johnson, Wineberry and Miller

Providing a property tax exemption for certain nonprofit organizations.

The bill was read the second time.

Mr. Nelson moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1739.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1739, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Scott - 01.

Substitute House Bill No. 1739, having received the constitutional majority, was declared passed.

Representative Scott appeared at the bar of the House.

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

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

INTRODUCTIONS AND FIRST READING

SSB 5003 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators L. Smith, L. Kreidler, Conner and Snyder)

Providing penalties and remedies for a person operating an adult family home without a license.

Referred to Committee on Health Care.

ESB 5063 by Senators Nelson, Hayner and Thorsness

Setting an award cap for mandatory arbitration.

Referred to Committee on Judiciary.

SB 5135 by Senators McCaslin and Nelson

Granting right to a permit for an on-site sewage system under certain conditions.

Referred to Committee on Environmental Affairs.

SB 5150 by Senators Nelson and Rasmussen; by request of Public Disclosure Commission

Adjusting campaign finance reporting requirements.

Referred to Committee on State Government.

ESSB 5156 by Senate Committee on Governmental Operations (originally sponsored by Senators McCaslin, Sutherland, Roach, Matson and Madsen)

Requiring election officers to review candidates' filings to determine residency.

Referred to Committee on State Government.

ESSB 5174 by Senate Committee on Higher Education (originally sponsored by Senators Saling, Bauer, Patterson, von Reichbauer, Jesernig, Cantu, Skratek, Amondson, Stratton, Anderson, Snyder, Newhouse, Gaspard, Johnson, Thorsness, Nelson, L. Smith, Craswell, West, Bailey, Talmadge, Sutherland, Vognild, Hansen, Williams, Madsen, Owen, Matson, Rasmussen, Pelz, Roach and Conner)

Providing for additional enrollments at state institutions of higher education.

Referred to Committees on Higher Education/Appropriations.

2SSB 5181 by Senate Committee on Ways & Means (originally sponsored by Senators Oke, Bailey, Rinehart, Erwin, Gaspard, Anderson, A. Smith, Metcalf, Craswell, Talmadge, Saling, Roach, Murray, Madsen, von Reichbauer, Nelson, Owen, Johnson, Newhouse, Bauer, Vognild, Barr, Rasmussen, L. Kreidler, Moore, Amondson and Thorsness)

Changing provisions relating to technological and vocational education.

Referred to Committees on Education/Appropriations.

ESSB 5184 by Senate Committee on Higher Education (originally sponsored by Senators Saling, Bauer, Thorsness, Jesernig, Stratton, Talmadge and Snyder; by request of Governor Gardner)

Creating a work force training and education coordinating board, and combining community and vocational-technical schools under one agency.

Referred to Committee on Higher Education.

SSB 5269 by Senate Committee on Environment & Natural Resources (originally sponsored by Senators Anderson, McMullen, Amondson, Owen, Vognild, Metcalf and Conner)

Eliminating waste disposal requirements for certain net pens.

Referred to Committee on Fisheries & Wildlife.

E2SSB 5278 by Senate Committee on Ways & Means (originally sponsored by Senators Nelson, Rasmussen, Madsen, A. Smith, Erwin, Hayner, Thorsness, Hansen and Craswell)

Enhancing the penalties for transmitting certain diseases.

Referred to Committee on Judiciary.

SSB 5329 by Senate Committee on Commerce & Labor (originally sponsored by Senators Anderson, Owen, Matson and McCaslin)

Revising provisions for self-insured employers' claims reopenings.

Referred to Committee on Commerce & Labor.

2SSB 5347 by Senate Committee on Ways & Means (originally sponsored by Senators West, Wojahn, L. Smith, Stratton, Johnson, Niemi, Roach, Vognild, Anderson, Amondson and Erwin)

Establishing regional health promotion and disease prevention programs.

Referred to Committees on Health Care/Appropriations.

SSB 5350 by Senate Committee on Higher Education (originally sponsored by Senators Saling, Patterson, Thorsness, Bauer, Metcalf, Gaspard, Cantu, Amondson, Sellar, Hayner, Stratton, Craswell, Wojahn and Snyder)

Requiring English proficiency for faculty and graduate assistants involved in classroom teaching.

Referred to Committee on Higher Education.

SSB 5374 by Senate Committee on Ways & Means (originally sponsored by Senators Anderson, Newhouse, Vognild, West, Conner and Thorsness)

Establishing the industrial insurance labor-management cooperation program.

Referred to Committees on Commerce & Labor/Appropriations.

ESSB 5380 by Senate Committee on Ways & Means (originally sponsored by Senators Saling, Bauer, Nelson, Moore, Rasmussen, Niemi, Bailey, Gaspard, West, Amondson, Owen, Talmadge, A. Smith, Snyder, McMullen, Wojahn, Vognild, Murray, Rinehart, Williams, L. Kreidler, Conner, Jesernig, Roach and L. Smith)

Providing an adjusted retirement allowance for certain retirees.

Referred to Committee on Appropriations.

ESSB 5540 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators West and L. Kreidler)

Requiring children and health care workers to be immunized against infectious diseases.

Referred to Committees on Health Care/Appropriations.

ESB 5566 by Senators Rasmussen, Johnson, Owen, Vognild, Moore, Bluechel, Barr and Sellar

Allowing certain provisions in construction contracts.

Referred to Committee on Financial Institutions & Insurance.

2SSB 5568 by Senate Committee on Ways & Means (originally sponsored by Senators Roach, Stratton, Talmadge, L. Smith, Pelz, Bailey, Gaspard, Vognild, Williams, Skratek, Murray, Newhouse, McMullen, Matson, Bauer, West, L. Kreidler, A. Smith, Wojahn, Moore, Rinehart and Snyder)

Addressing hunger and nutritional problems.

Referred to Committees on Human Services/Appropriations.

SSB 5628 by Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Barr and Hansen)

Modifying provisions for crop liens for handlers.

Referred to Committee on Agriculture & Rural Development.

SB 5684 by Senators West, Niemi and Johnson; by request of Department of Health

Requiring certain nonresident pharmacies to be licensed.

Referred to Committee on Health Care.

ESSB 5756 by Senate Committee on Energy & Utilities (originally sponsored by Senators Hayner, Jesernig and Thorsness; by request of Utilities & Transportation Commission)

Providing rate regulation for low-level waste sites.

Referred to Committee on Energy & Utilities.

ESSB 5770 by Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness and Saling)

Authorizing obtaining electrical supplies through conservation and generation.

Referred to Committee on Energy & Utilities.

2SSB 5780 by Senate Committee on Ways & Means (originally sponsored by Senators L. Smith, Wojahn, Niemi, Johnson, West, Thorsness, von Reichbauer, L. Kreidler and Craswell)

Enhancing employment transition programs for developmentally disabled high school students.

Referred to Committees on Human Services/Appropriations.

E2SSB 5782 by Senate Committee on Ways & Means (originally sponsored by Senators Barr, Hansen, Snyder, L. Smith and Amondson)

Providing for rural health care services programs.

Referred to Committees on Health Care/Appropriations.

SSB 5837 by Senate Committee on Commerce & Labor (originally sponsored by Senators Anderson, Owen, Snyder and Matson)

Revising provisions for industrial insurance and employment compensation coverage.

Referred to Committee on Commerce & Labor.

ESSB 5841 by Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Hansen and Barr)

Clarifying existing crop lien coverage and filing procedures.

Referred to Committee on Agriculture & Rural Development.

SSB 5873 by Senate Committee on Ways & Means (originally sponsored by Senators McDonald; Gaspard, Saling, Snyder, L. Smith, Johnson, Bauer, Rasmussen and Barr)

Providing insurance coverage for retired and disabled school district employees.

Referred to Committee on Appropriations.

SB 5904 by Senators Thorsness, Conner and Sutherland

Extending until 1995 home heating assistance for low-income persons.

Referred to Committee on Energy & Utilities.

MOTION

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

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1052 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1052, by Representatives Leonard, Winsley, Riley and Basich; by request of Dept. of Social and Health Services

Revising provisions for public assistance.

The bill was read the second time. On motion of Ms. Leonard, Substitute House Bill No. 1052 was substituted for House Bill No. 1052, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1052 was read the second time.

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

Representatives Leonard and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1052, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1052, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1054, by Representatives Leonard, Winsley, Riley, Orr, R. King and Sheldon; by request of Dept. of Social and Health Services

Revising provisions for reports of abuse of children or adult dependent or developmentally disabled persons.

The bill was read the second time. On motion of Ms. Leonard, Substitute House Bill No. 1054 was substituted for House Bill No. 1054, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1054 was read the second time.

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

Representatives Leonard and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1054, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell,

Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1054, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1122, by Representatives Heavey, Cole and Prentice

Regulating labor relations consultants.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 40th Day, February 22, 1991.)

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

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

Mr. Heavey spoke in favor of passage of the bill, and Ms. Lisk spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1122, and the bill passed the House by the following vote: Yeas - 61, Nays - 37, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Horn, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Mitchell, Moyer, Myers, H., Nelson, O'Brien, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Van Loven, Wang, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 61.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Forner, Fuhrman, Holland, Insee, Johnson P., Lisk, May, McLean, Mielke, Miller, Morris, Morton, Nealey, Neher, Ogden, Orr, Padden, Paris, Peery, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Wilson, Wynne - 37.

Engrossed House Bill No. 1122, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1123, by Representatives Braddock, Franklin and Orr; by request of Dept. of Social and Health Services

Concerning federal requirements related to land and other assets.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1123 was substituted for House Bill No. 1123, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1123 was read the second time.

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

Mr. Braddock spoke in favor of passage of the bill, and Mr. Moyer spoke against it.

MOTION

Mr. Dorn moved that the House defer further consideration of Substitute House Bill No. 1123 and that the bill hold its place on the second reading calendar. The motion was carried.

MOTION

Mr. Dorn moved that the House defer consideration of House Bill No. 1228 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1263, by Representatives Peery, Cole, Dorn and Holland

Eliminating the citizenship requirement for teachers.

The bill was read the second time.

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

Representatives Peery and Neher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1263, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 5, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Basich, Cooper, Hargrove, Myers, H., Rayburn - 05.

House Bill No. 1263, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1274, by Representatives R. Fisher and Schmidt

Adjusting provisions relating to street utilities.

The bill was read the second time. On motion of Ms. R. Fisher, Substitute House Bill No. 1274 was substituted for House Bill No. 1274, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1274 was read the second time.

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

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1274, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers,

H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1274, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1281, by Representatives Jones, Heavey, Cole, R. King, Prentice, O'Brien, Hargrove, Ludwig, Leonard, Nelson, Dellwo and Basich

Revising provisions for workers' compensation benefits.

The bill was read the second time.

Mr. Jones moved adoption of the following amendments:

On page 4, beginning on line 4, after "(ii)" strike all material through "51.08.018" on line 8 and insert "Be less than the applicable percentage of the average monthly wage in the state as computed under RCW 51.08.018 as follows:

<u>AFTER</u>	<u>PERCENTAGE</u>
<u>June 30, 1991</u>	<u>15%</u>
<u>June 30, 1993</u>	<u>25%</u>
<u>June 30, 1995</u>	<u>35%.</u>

If the change to the new payment schedule under this subsection (ii), effective from July 1, 1991, to June 30, 1993, results in a lower payment schedule for any class of injured workers compared to the schedule in effect before July 1, 1991, that class of injured workers shall continue to be paid under the prior schedule until July 1, 1993."

On page 10, beginning on line 3, after "(b)" strike all material through "51.08.018." on line 7 and insert "Be less than the applicable percentage of the average monthly wage in the state as computed under RCW 51.08.018 as follows:

<u>AFTER</u>	<u>PERCENTAGE</u>
<u>June 30, 1991</u>	<u>15%</u>
<u>June 30, 1993</u>	<u>25%</u>
<u>June 30, 1995</u>	<u>35%.</u>

If the change to the new payment schedule under this subsection (b), effective from July 1, 1991, to June 30, 1993, results in a lower payment schedule for any class of injured workers compared to the schedule in effect before July 1, 1991, that class of injured workers shall continue to be paid under the prior schedule until July 1, 1993."

On page 12, beginning on line 23, after "(b)" strike all material through "51.08.018" on line 27 and insert "Be less than the applicable percentage of the average monthly wage in the state as computed under RCW 51.08.018 as follows:

<u>AFTER</u>	<u>PERCENTAGE</u>
<u>June 30, 1991</u>	<u>15%</u>
<u>June 30, 1993</u>	<u>25%</u>
<u>June 30, 1995</u>	<u>35%.</u>

If the change to the new payment schedule under this subsection (b), effective from July 1, 1991, to June 30, 1993, results in a lower payment schedule for any class of injured workers compared to the schedule in effect before July 1, 1991, that class of injured workers shall continue to be paid under the prior schedule until July 1, 1993"

Mr. Jones spoke in favor of adoption of the amendments, and they were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1281, and the bill passed the House by the following vote: Yeas - 65, Nays - 33, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Braddock, Bray, Brekke, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Mitchell, Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Van Luven, Wang, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Ballard, Betrozoff, Bowman, Broback, Brumsickle, Casada, Chandler, Edmondson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Morton, Moyer, Nealey, Neher, Padden, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Wilson, Wynne - 33.

Engrossed House Bill No. 1281, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1324, by Representatives Zellinsky, Chandler, Lisk, Brumsickle, Van Luven, Ferguson, Prentice, Orr, Bowman, Day, R. Fisher and Betrozoff

Restricting licenses for owners owing towing expenses.

The bill was read the second time. On motion of Ms. R. Fisher, Substitute House Bill No. 1324 was substituted for House Bill No. 1324, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1324 was read the second time.

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

Mr. Zellinsky spoke in favor of passage of the bill, and Representatives Padden and Winsley spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1324, and the bill passed the House by the following vote: Yeas - 63, Nays - 35, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bowman, Braddock, Bray, Brumsickle, Cantwell, Chandler, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Hine, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, Meyers, R., Mielke, Miller, Morris, Myers, H., O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Rust, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Tate, Valle, Van Luven, Wang, Wineberry, Wood, Zellinsky, and Mr. Speaker - 63.

Voting nay: Representatives Beck, Betzoff, Brekke, Broback, Brough, Casada, Cole, Cooper, Edmondson, Forner, Fuhrman, Heavey, Hochstatter, Holland, Horn, Inslee, Johnson, P., May, McLean, Mitchell, Morton, Moyer, Nealey, Neher, Nelson, Padden, Prince, Roland, Schmidt, Silver, Sprenkle, Vance, Wilson, Winsley, Wynne - - 35.

Substitute House Bill No. 1324, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1338, by Representatives Heavey, McLean and O'Brien; by request of Employment Security Department

Revising provisions for unemployment compensation deductions for pensions.

The bill was read the second time.

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

Representatives Heavey and Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1338, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 2, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Haugen, Locke - 02.

House Bill No. 1338, having received the constitutional majority, was declared passed.

The Speaker called on Representative R. Meyers to preside.

HOUSE BILL NO. 1352, by Representatives Jones, Vance, Cole, Wynne, Moyer, Miller, Paris, Ballard, May, Basich, Forner and Silver; by request of Department of Labor & Industries

Making confidential certain information acquired by the department of labor and industries.

The bill was read the second time.

Mr. Jones moved adoption of the following amendments:

On page 4, line 7, after "obtained" insert "by the department"

On page 4, line 9, after "inspection." insert "Within thirty days of receipt, the employer shall make voluntary services reports available to employees or their representatives for review."

Mr. Jones spoke in favor of adoption of the amendments, and they were adopted.

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

Representatives Jones and Vance spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1352, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1352, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1387, by Representatives R. King, Fuhrman, Basich, Padden, Morris, Hochstatter, Orr, Edmondson, Chandler, Bowman, Paris and Ballard

Combining federal and state permit appeal processes.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 32nd Day, February 14, 1991.)

Mr. R. King moved adoption of the committee amendments on page 1, beginning on line 8; page 1, line 11; page 2, beginning on line 2; and page 2, line 5 and spoke in favor of them. The committee amendments were adopted.

Mr. R. King moved adoption of the committee amendments on page 1, line 10, and page 2, line 4 and spoke in favor of them. The committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1387, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Horn, May, Schmidt, Wilson, Wynne - 05.

Engrossed House Bill No. 1387, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1488, by Representatives Dellwo, Zellinsky, R. Johnson, R. Meyers, Broback, Mielke, Winsley, Inslee, Anderson, Scott, Dorn and Silver

Excluding commercial paper from "personal property" held by a pawnbroker.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1488, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1488, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1514, by Representatives Silver, Day, Orr, Moyer, D. Sommers and Paris

Requiring snowmobilers to wear helmets.

The bill was read the second time.

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

Ms. Silver spoke in favor of passage of the bill, and Representatives Heavey and Van Luven spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1514, and the bill failed to pass the House by the following vote: Yeas - 49, Nays - 49, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bowman, Brekke, Brumsickle, Cantwell, Cole, Day, Dorn, Ferguson, Franklin, Fraser, Hine, Johnson P., Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Nealey, Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Rasmussen, Rust, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Valle, Wang, Winsley - 49.

Voting nay: Representatives Beck, Betrozoff, Braddock, Bray, Broback, Brough, Casada, Chandler, Cooper, Dellwo, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hochstatter, Holland, Horn, Inslee, Jacobsen, Kremen, Lisk, May, McLean, Morton, Neher, Padden, Paris, Prince, Pruitt, Rayburn, Riley, Roland, Schmidt, Scott, Tate, Vance, Van Luven, Wilson, Wineberry, Wood, Wynne, Zellinsky, and Mr. Speaker - 49.

House Bill No. 1514, having failed to receive the constitutional majority, was declared lost.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1546 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1709, by Representatives Fraser, Miller, Rust, Valle, Roland, Winsley, Rasmussen, Ebersole, Wineberry and Dorn; by request of Department of Health

Concerning safe drinking water.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 1709 was substituted for House Bill No. 1709, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1709 was read the second time.

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

Ms. Fraser spoke in favor of passage of the bill, and Mr. Sheldon spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1709, and the bill passed the House by the following vote: Yeas - 76, Nays - 22, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Haugen, Heavey, Hine, Holland, Horn, Jacobsen, Johnson P., Johnson R., King, R., Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Schmidt, Scott, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Wood, Wynne, and Mr. Speaker - 76.

Voting nay: Representatives Ballard, Basich, Beck, Bray, Brough, Chandler, Fuhrman, Hargrove, Hochstatter, Inslee, Jones, Kremen, Lisk, Morton, Moyer, Padden, Prince, Rayburn, Sheldon, Van Luven, Winsley, Zellinsky - 22.

Substitute House Bill No. 1709, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1725 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1727, by Representatives Appelwick, Jacobsen, Paris, Morton, Mielke, Brekke, Anderson, Forner, Day, Vance, R. Johnson and Wineberry

Changing provisions relating to interpreters in legal proceedings.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Judiciary as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Appelwick, Substitute House Bill No. 1727 was substituted for House Bill No. 1727, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1727 was read the second time.

On motion of Ms. Spanel, the committee amendment by Committee on Appropriations was adopted.

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1727, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1727, having received the constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Mr. Prince, having voted on the prevailing side, moved that the House immediately reconsider the vote by which House Bill No. 1514 failed to pass the House.

POINT OF ORDER

Mr. Heavey: The motion is out of order. There was no prevailing side.

SPEAKER'S RULING

The Speaker (Mr. R. Meyers presiding): Representative Heavey, after consulting with the Speaker's attorney, I find that your point is not well taken.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be the motion by Representative Prince that the House immediately reconsider the vote by which House Bill No. 1514 failed to pass the House.

The motion was carried.

RECONSIDERATION

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be reconsideration of the vote by which House Bill No. 1514 failed to pass the House.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1514 on reconsideration, and the bill passed the House by the following vote: Yeas - 53, Nays - 45, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Cole, Day, Ferguson, Franklin, Fraser, Hine, Holland, Jacobsen, Johnson P., Johnson R., King, R., Leonard, Locke, Ludwig, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Nelson, O'Brien, Ogden, Orr, Paris, Phillips, Prentice, Rasmussen, Rust, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Valle, Wang, Winsley, Wood, and Mr. Speaker - 53.

Voting nay: Representatives Beck, Brough, Casada, Chandler, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hochstatter, Horn, Inslee, Jones, Kremen, Lisk, May, McLean, Morton, Myers H., Nealey, Neher, Padden, Peery, Prince, Pruitt, Rayburn, Riley, Roland, Schmidt, Scott, Tate, Vance, Van Luven, Wilson, Wineberry, Wynne, Zellinsky - 45.

House Bill No. 1514, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Mielke, Representative Moyer was excused.

HOUSE BILL NO. 1752, by Representatives Jacobsen, Wood, Anderson, Horn and Rasmussen

Authorizing local governments to recover costs of geographic information required to be disclosed by law.

The bill was read the second time. On motion of Mr. Anderson, Substitute House Bill No. 1752 was substituted for House Bill No. 1752, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1752 was read the second time.

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

Mr. Jacobsen spoke in favor of passage of the bill, and Ms. Bowman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1752, and the bill passed the House by the following vote: Yeas - 73, Nays - 23, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Brough, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Insee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Mielke, Miller, Mitchell, Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brumsickle, Former, Fuhrman, Holland, Horn, Johnson P., Lisk, May, McLean, Morton, Nealey, Neher, Padden, Prince, Schmidt, Silver, Wilson, Wynne - 23.

Absent: Representative Valle - 01.

Excused: Representative Moyer - 01.

Substitute House Bill No. 1752, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1811, by Representatives Valle, Neher, Cole, R. Johnson, Ebersole, Jones, Orr, Sheldon, Rasmussen, Franklin, Brumsickle, Hine and O'Brien; by request of Superintendent of Public Instruction

Affecting student motivation programs.

The bill was read the second time. On motion of Mr. Peery, Substitute House Bill No. 1811 was substituted for House Bill No. 1811, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1811 was read the second time.

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

Representatives Valle and Neher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1811, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R.,

Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Excused: Representative Moyer - 01.

Substitute House Bill No. 1811, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1824, by Representative Appelwick

Changing district courts' jurisdiction.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 1824 was substituted for House Bill No. 1824, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1824 was read the second time.

Mr. Appelwick moved adoption of the following amendment by Representatives Appelwick and Padden:

On page 3, line 13 after "chapter." insert "Superior courts shall have concurrent jurisdiction to receive transfer of antiharassment petitions in cases where a district court judge makes findings of fact and conclusions of law showing that meritorious reasons exist for the transfer."

Representatives Appelwick and Padden spoke in favor of adoption of the amendment, and it was adopted.

Mr. Appelwick moved adoption of the following amendments by Representatives Appelwick and Padden:

On page 6, line 14 after "Sec. 7." strike everything through "are" on line 22 and insert "This act is"

Mr. Appelwick spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Appelwick and Padden to the title was adopted:

On page 1, line 3 of the title strike "providing a contingent effective date;"

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

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1824, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Moyer - 01.

Substitute House Bill No. 1824, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1841 and House Bill No. 1875 and that the bills hold their places on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1881, by Representatives Appelwick, Padden, Paris, May, Winsley, Wood and D. Sommers

Changing the method for determining the number of district court judges.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 1881 was substituted for House Bill No. 1881, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1881 was read the second time.

Mr. Appelwick moved adoption of the following amendments:

On page 3, beginning on line 10, after "from the" strike "administrator for the courts. The administrator for the courts" and insert "supreme court. The supreme court"

On page 4, beginning on line 4, strike all of subsection (4)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, beginning on line 18, after "of the" strike "administrator for the courts" and insert "supreme court"

On page 5, line 7, after "Sec. 4." strike "The administrator for the courts" and insert "The supreme court"

Mr. Appelwick spoke in favor of adoption of the amendments, and they were adopted.

On motion of Mr. Appelwick, the following amendments were adopted:

On page 3, line 11 after "courts" insert ", under the supervision of the supreme court,"

On page 3, line 25 after "courts" insert ", under the supervision of the supreme court,"

On page 4, line 1 after "courts" insert ", under the supervision of the supreme court,"

On page 4, line 4 after "courts" insert ", under the supervision of the supreme court,"

On page 4, line 21 before "shall" insert ", under the supervision of the supreme court,"

On page 5, line 9 after "courts" insert ", under the supervision of the supreme court,"

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

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1881, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Moyer - 01.

Substitute House Bill No. 1881, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of House Bill No. 1909 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1911, by Representatives Haugen, Wynne, Anderson, Ferguson, Basich, Cooper, Belcher, Fraser, Zellinsky, Prince and Nelson

Defining city and county licensing procedures for state licensed massage practitioners.

The bill was read the second time. On motion of Mr. Cooper, Substitute House Bill No. 1911 was substituted for House Bill No. 1911, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1911 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1911, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Moyer - 01.

Substitute House Bill No. 1911, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1459 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1459, by Representatives Sprenkle, Rust, Valle, G. Fisher, Pruitt, Basich, R. Johnson, Jacobsen, Braddock, Phillips, Scott, Cooper, D. Sommers, Roland, Nelson, Spanel, Brekke and Wineberry

Creating a comprehensive approach to recycling and recyclable material markets.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Environmental Affairs as amended by Committee on Revenue. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Rust, Substitute House Bill No. 1459 was substituted for House Bill No. 1459, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1459 was read the second time.

Mr. Wang moved adoption of the committee amendment by Committee on Revenue.

Mr. Sprenkle moved adoption of the following amendments by Representative Sprenkle, Rust and D. Sommers to the committee amendment:

On page 3, beginning on line 16 of the amendment, strike all material through "1991." on line 23

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 11, after line 9 of the amendment, insert the following:

NEW SECTION. Sec. 116. There is established the task force on recycling funding. The task force shall consist of fourteen members as follows: (1) Two members of the house of representatives appointed by the speaker of the house of representatives with one member from each of the two caucuses of the house of representatives; (2) two members of the senate appointed by the president of the senate with one member from each of the two caucuses of the senate; (3) six members appointed by the speaker of the house of representatives and the president of the senate with one each representing manufacturers, wholesalers, retailers, cities, counties, and an environmental organization; and (4) three members representing the departments of ecology, trade and economic development, and revenue appointed by their respective directors.

The task force shall study long-term funding mechanisms for recycling systems, comprehensive waste reduction, and diversion from landfill and mass burn incineration. The task force shall report its findings and recommended legislation to the appropriate standing committees of the legislature no later than December 1, 1991.

The department of ecology shall provide administrative and staff support to the task force. Members of the task force shall be compensated in accordance with RCW 43.03.220. Nonlegislative members shall receive subsistence and mileage in accordance with RCW 43.03.050 and 43.03.060. Legislative members shall receive allowances in accordance with RCW 44.04.120.

This section shall expire January 1, 1992.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 15, beginning on line 14 of the amendment, strike all material through "act)." on page 16, line 5

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 15, after line 13 of the amendment, insert the following:

NEW SECTION. Sec. 209. A new section is added to chapter 70.93 RCW to read as follows:

"There is created an account within the state treasury to be known as the clean Washington account. Moneys deposited in the clean Washington account shall be subject to appropriation and shall be used for the administration and implementation of the clean Washington center established under section 204 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Sprenkle and D. Sommers spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

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

On page 26, after line 9 of the amendment, insert the following:

NEW SECTION. Sec. 403. A new section is added to chapter 82.04 RCW to read as follows:

(1) There shall be deducted from the measure of the tax of this chapter the value of reusable or recyclable material or packaging returned by the buyer to the seller.

(2) For purposes of this section:

(a) "Value of the returned reusable or recyclable material or packaging" means the amount charged by the seller and returned as a refundable deposit, a rebate or a credit to the purchaser when the material or packaging is returned.

(b) "Reusable or recyclable materials" means recyclable materials described in RCW 70.95.030(14) and other reusable articles of tangible personal property which through the custom of the industry are recycled or remanufactured, such as automotive parts or cores. Reusable or recyclable materials does not include motor vehicles, airplanes, boats, heavy equipment, or other such articles of tangible personal property.

(c) "Packaging materials" means items such as boxes, crates, bottles, cans, bags, drums, cartons, pallets, wrapping papers, cellophane, twines, gummed tapes, wire, bands, excelsior, waste paper, and all other materials in which tangible personal property may be contained or protected within a container, for transportation or delivery to a purchaser.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Ms. Bowman spoke in favor of adoption of the amendment to the committee amendment, and Mr. Sprenkle spoke against it. The amendment to the committee amendment was not adopted.

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

Mr. Wang moved adoption of the committee amendment by Committee on Revenue to the title.

With consent of the House, the following amendments by Representative Sprenkle and others to the title were adopted:

On page 27, line 1 of the title amendment, after "70.95.040;" strike "adding new sections to chapter 43.131 RCW;"

On page 27, line 4 of the title amendment, after "repealing RCW" strike all material through "70.--.--," on line 6

On page 27, line 1 of the title amendment, after "70.95.040;" insert "adding a new section to chapter 70.93 RCW;"

The committee amendment as amended to the title was adopted.

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

Representatives Sprenkle, D. Sommers and Horn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1459, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Moyer - 01.

Engrossed Substitute House Bill No. 1459, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2114 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2114, by Representatives Prince, Grant, Lisk, Nealey, Fuhrman, Cole, Vance, Rayburn, Morton, Chandler, Neher, Hochstatter, Rasmussen, Moyer, McLean, Bowman, Betrozoff, Casada, D. Sommers, P. Johnson and Silver

Authorizing loans and grants to preserve underground petroleum storage tanks in rural areas.

The bill was read the second time. On motion of Mr. Dellwo, Substitute House Bill No. 2114 was substituted for House Bill No. 2114, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2114 was read the second time.

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

Representatives Prince, Grant and Ferguson spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Dellwo yielded to question by Mr. Morton.

Mr. Morton: Representative Dellwo, does this include the exemption of schools and hospitals pertaining to the underground storage tank removal?

Mr. Dellwo: The question is whether or not a municipality would include school districts and many of the hospitals, and it does. By statutory definition those are all considered municipalities.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2114, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Moyer - 01.

Substitute House Bill No. 2114, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1546 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1546, by Representatives Nelson, Haugen, Brough, Hine, Locke, Heavey, Valle, G. Fisher, O'Brien, Zellinsky, R. Fisher, Rust, Brekke, Belcher, Prentice, H. Sommers, Cole, Jacobsen, Phillips and Braddock

Changing provisions relating to property tax levies by port districts.

The bill was read the second time. On motion of Mr. Cooper, Substitute House Bill No. 1546 was substituted for House Bill No. 1546, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1546 was read the second time.

Mr. Nelson moved adoption of the following amendment:
On page 2, after line 10, strike sections 2 and 3

Mr. Nelson spoke in favor of adoption of the amendment, and it was adopted.

Mr. Zellinsky moved adoption of the following amendment by Representatives Zellinsky, Ferguson and Haugen:

On page 3, after line 23, insert a new section as follows:

"NEW SECTION. Sec. 4. A new section is added to chapter 53.08 RCW to read as follows:

A port district with a population of 100,000 or more may not pay bonuses to its employees or officials."

Mr. Zellinsky spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Nelson to the title was adopted:

On page 1, line 1 of the title, beginning with "amending" strike all the matter through "RCW" on line 3 of the title and insert "and adding a new section to chapter 53.36 RCW"

With consent of the House, the following amendment by Representative Zellinsky and others to the title was adopted:

On page 1, beginning on line 2 of the title, strike "and adding a new section to chapter 43.09 RCW" and insert "adding a new section to chapter 43.09 RCW; and adding a new section to chapter 53.08 RCW"

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

Representatives Nelson, Ebersole and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1546, and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell,

Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morton, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Basich, Edmondson, Fuhrman, Johnson P., Miller, Morris, Nealey, Sheldon - 08.

Excused: Representative Moyer - 01.

Engrossed Substitute House Bill No. 1546, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I am dismayed to find that I mistakenly voted incorrectly on final passage of Engrossed Substitute House Bill No. 1546. Please indicate that I intended to vote "no."

BARBARA LISK, 15th District.

MOTION

On motion of Mr. Ebersole, the House recessed until 1:15 p.m.

AFTERNOON SESSION

The Speaker (Mr. R. Meyers presiding) called the House to order at 1:15 p.m. The Clerk called the roll and all members were present except Representatives Hine, Schmidt, H. Sommers and Wineberry. On motion of Mr. Mielke, Representative Schmidt was excused.

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

Representative Schmidt appeared at the bar of the House.

RESOLUTION

HOUSE RESOLUTION NO. 91-4654, by Representatives Day, Padden, Dellwo, Moyer, Mielke, D. Sommers, Silver and Orr

WHEREAS, The Rev. Arthur L. Dussault, S.J., the beloved "Mr. Gonzaga" who was perhaps Gonzaga University's most well-known ambassador to alumni and friends, died Sunday, March 17, 1991, at age eighty-seven; and

WHEREAS, Rev. Dussault began his association with Gonzaga in 1920, as a high school junior; was an athletic standout at the University on the basketball and track teams and as the center for the Bulldog's football team, and earned his bachelor's degree, graduating in 1926; and

WHEREAS, Father Art entered the priesthood in 1928 at age twenty-five, joining the Jesuit Order, earned his master's degree from Gonzaga while working toward the priesthood, and was ordained in 1940; and

WHEREAS, Dussault's unbroken string of service to Gonzaga University, and to all of the people of the Inland Empire, began in 1942 as Gonzaga's dean of men and athletic director, and he has served his community with distinction, witnessed by the numerous awards presented to him throughout his lifetime;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Rev. Arthur L. Dussault, S.J.; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the President of Gonzaga University, Bernard J. Coughlin, S.J.

Mr. Day moved adoption of the resolution. Representatives Day, Padden, Dellwo and D. Sommers spoke in favor of the resolution.

House Resolution No. 91-4654 was adopted.

MOTION

Mr. Dorn moved that the House immediately consider House Bill No. 1956 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1956, by Representatives Rayburn, Nealey, McLean, Kremen, Chandler, Roland and Rasmussen; by request of Department of Agriculture

Changing provisions for plant protection.

The bill was read the second time. On motion of Ms. Rayburn, Substitute House Bill No. 1956 was substituted for House Bill No. 1956, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1956 was read the second time.

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

Representatives Rayburn and Nealey spoke in favor of passage of the bill, and Mr. Jacobsen spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1956, and the bill passed the House by the following vote: Yeas - 88, Nays - 7, Absent - 3, Excused - 0.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hochstatter, Holland, Horn, Inslee, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Anderson, Brekke, Cole, Fisher, R., Jacobsen, Rust, Sprengle - 07.

Absent: Representatives Hine, Sommers, H., Wineberry - 03.

Substitute House Bill No. 1956, having received the constitutional majority, was declared passed.

Representatives H. Sommers and Wineberry appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1954 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1954, by Representatives Rayburn, Nealey, McLean, R. Johnson, Chandler, Kremen, D. Sommers, Ballard, Roland, Bowman, Grant, Inslee, Rasmussen and Sheldon

Changing conditions and limitations on agricultural nuisances.

The bill was read the second time. On motion of Ms. Rayburn, Substitute House Bill No. 1954 was substituted for House Bill No. 1954, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1954 was read the second time.

Mr. Kremen moved adoption of the following amendments by Representatives Kremen, Spanel, Haugen, Rayburn and R. Johnson:

On page 3, beginning on line 1, after "for the" strike all material through "15.85.020." on line 2 and insert "freshwater commercial production of aquatic products which are private sector cultured aquatic products as defined in RCW 15.85.020 and the marine commercial production of shellfish which are such private sector cultured aquatic products."

On page 3, line 10, after "products)," insert "freshwater"

Representatives Kremen and Spanel spoke in favor of adoption of the amendments, and Representatives Sheldon, McLean, R. King, P. Johnson and Basich spoke against them. The amendments were not adopted.

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

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

POINT OF INQUIRY

Ms. Rayburn yielded to question by Ms. Belcher.

Ms. Belcher: Representative Rayburn, does this bill in any way limit the Department of Agriculture's ability to deal with chemical trespass?

Ms. Rayburn: No, chemical trespass is covered by federal FIFRA laws and under state statute, and this bill would not change those laws.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1954, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Hine - 01.

Substitute House Bill No. 1954, having received the constitutional majority, was declared passed.

Representative Hine appeared at the bar of the House.

HOUSE BILL NO. 1228, by Representatives Brumsickle, Wang, Holland and Paris; by request of Office of Financial Management

Managing state government receivables.

The bill was read the second time. Committee on Revenue recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 44th Day, February 26, 1991.)

On motion of Mr. Wang, the committee amendment was adopted.

Ms. Silver moved adoption of the following amendment:

On page 1, line 7, strike ((~~past due accounts~~)) and insert "past due ((~~accounts~~))"

Ms. Silver spoke in favor of adoption of the amendment, and Mr. Wang spoke against it. The amendment was not adopted.

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1228, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives Silver, Winsley - 02.

Engrossed House Bill No. 1228, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker (Mr. R. Meyers presiding) called the House to order.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1875 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1875, by Representatives Peery and Zellinsky

Revising provisions for unemployment compensation benefits for services performed for educational service districts.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1875, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1875, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1909 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1909, by Representatives Dellwo, Paris and R. Johnson; by request of Insurance Commissioner

Increasing the capital and surplus requirements of insurance companies.

The bill was read the second time. On motion of Mr. Dellwo, Substitute House Bill No. 1909 was substituted for House Bill No. 1909, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1909 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1909, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1909, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1725 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1725, by Representatives Prentice, Winsley, Heavey, Basich, Jones, R. King, Cole, Ogden, Hargrove, Fraser, Day, Cantwell, Braddock, Sprenkle, Dellwo, Wineberry, Spanel and Roland

Addressing workplace hazards and pregnancy.

The bill was read the second time. On motion of Mr. Heavey, Substitute House Bill No. 1725 was substituted for House Bill No. 1725, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1725 was read the second time.

Mr. Heavey moved adoption of the following amendment by Representatives Prentice and Cole:

On page 5, beginning on line 1, after "sterilization" strike all material through "hazard" on line 2

Mr. Heavey spoke in favor of adoption of the amendment, and it was adopted.

The Clerk read the following amendment by Representative Vance:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature acknowledges that the workplace environment may expose individuals to substances that may cause birth defects or constitute a hazard to an employee's reproductive system or to a fetus. Therefore, employers should disclose information to employees about workplace exposure to chemical or physical substances or workplace conditions that may cause birth defects or harm an individual's reproductive capacity. The legislature further finds that discrimination in the workplace because of reproductive status is an increasing concern. Information about workplace reproductive hazards is needed to assist in individual, corporate, and government decision making.

Sec. 2. RCW 49.17.050 and 1973 c 80 s 5 are each amended to read as follows:

In the adoption of rules (~~and regulations~~) under the authority of this chapter, the director shall:

(1) Provide for the preparation, adoption, amendment, or repeal of rules (~~and regulations~~) of safety and health standards governing the conditions of employment of general and special application in all work places;

(2) Provide for the adoption of occupational health and safety standards which are at least as effective as those adopted or recognized by the United States secretary of labor under the authority of the Occupational Safety and Health Act of 1970 (Public Law 91-596; 84 Stat. 1590);

(3) Provide a method of encouraging employers and employees in their efforts to reduce the number of safety and health hazards at their work places and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(4) Provide for the promulgation of health and safety standards and the control of conditions in all work places concerning gases, vapors, dust, or other airborne particles, toxic materials, or harmful physical agents which shall set a standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his or her working life; any such standards shall require where appropriate the use of protective devices or equipment and for monitoring or measuring any such gases, vapors, dust, or other airborne particles, toxic materials, or harmful physical agents;

(5) Provide for appropriate reporting procedures by employers with respect to such information relating to conditions of employment which will assist in achieving the objectives of this chapter;

(6) Provide for the frequency, method, and manner of the making of inspections of work places without advance notice; (~~and,~~)

(7) Provide for the publication and dissemination to employers, employees, and labor organizations and the posting where appropriate by employers of informational, education, or training materials calculated to aid and assist in achieving the objectives of this chapter;

(8) Provide for the establishment of new and the perfection and expansion of existing programs for occupational safety and health education for employers and employees, and, in addition institute methods and procedures for the establishment of a program for voluntary compliance solely through the use of advice and consultation with employers and employees with recommendations including recommendations of methods to abate violations relating to the requirements of this chapter and all applicable safety and health standards and rules (~~and regulations~~) promulgated pursuant to the authority of this chapter;

(9) Provide for the adoption of safety and health standards requiring the use of safeguards in trenches and excavations and around openings of hoistways, hatchways, elevators, stairways, and similar openings;

(10) Provide for the promulgation of health and safety standards requiring the use of safeguards for all vats, pans, trimmers, cut off, gang edger, and other saws, planers, presses, formers, cogs, gearing, belting, coupling, set screws, live rollers, conveyors, mangles in laundries, and machinery of similar description, which can be effectively guarded with due regard to the ordinary use of such machinery and appliances and the danger to employees therefrom, and with which the employees of any such work place may come in contact while in the performance of their duties and prescribe methods, practices, or processes to be followed by employers which will enhance the health and safety of employees in the performance of their duties when in proximity to machinery or appliances mentioned in this subsection;

(11) Provide for the adoption of health and safety standards addressing employee exposure to chemical, biological, or physical reproductive hazards or hazards to a fetus, which shall set a standard that most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee or fetus will suffer material impairment of health or functional capacity even if the employee has regular exposure to the hazard dealt with by the standard for the period of his or her working life. The standards shall include, but not be limited to, requirements for informing employees and prospective employees of these hazards. In adopting rules under this subsection, the department shall consult with a scientific advisory committee appointed by the department. An employer may request the department to identify all hazards in the employer's workplace that pose a hazard under this subsection, and the employer may rely on the information provided by the department in complying with the rules adopted under this subsection.

NEW SECTION. Sec. 3. A new section is added to chapter 49.44 RCW to read as follows:

(1) No employer, including the state or any political subdivision thereof, may condition the employment, transfer, or promotion of any individual on the sterilization of that individual, nor shall reproductive status be a criterion of employment. An employer may not terminate the employment of an employee because the employee refuses, on request of the employer, to submit to compulsory sterilization after exposure to a reproductive hazard.

(2) No employer, employment agency, or agent of either may request or require information from an employee or prospective employee relating to the individual's child-bearing age or plans, pregnancy, or function of the individual's reproductive system.

NEW SECTION. Sec. 4. A new section is added to chapter 18.76 RCW to read as follows:

The state poison control network centers shall include information about the reproductive hazards of the substances for which the center provides information.

NEW SECTION. Sec. 5. A new section is added to chapter 4.24 RCW to read as follows:

An employer is not liable for civil damages to any employee, employee's child, or employee's spouse for injury to the employee, the employee's fetus, or the employee's child because of exposure in the workplace to substances or conditions that cause birth

defects or constitute a hazard to the employee's reproductive system or capacity if, in full compliance with rules adopted by the department of labor and industries under RCW 49.17.050(11), the employer has informed the employee of the hazard or potential hazard of the substances or conditions. This section shall apply without regard to any determination of coverage under Title 51 RCW."

With consent of the House, Representative Vance withdrew the amendment.

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

Mr. Heavey spoke in favor of passage of the bill, and Mr. Fuhrman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1725, and the bill passed the House by the following vote: Yeas - 82, Nays - 16, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betzoff, Braddock, Bray, Brekke, Brough, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Mielke, Miller, Mitchell, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Ballard, Beck, Bowman, Broback, Brumsickle, Chandler, Edmondson, Fuhrman, Hochstatter, Lisk, May, McLean, Morton, Moyer, Nealey, Van Luven - 16.

Engrossed Substitute House Bill No. 1725, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1022 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1022, by Representatives Cooper, May, Bray, Grant, H. Myers, Basich, Wineberry, R. Meyers, Peery, Phillips, R. Johnson, Wang, Sprengle, Spanel, Sheldon, Miller, Ogden, Rayburn, Jones, Ludwig, Prentice, Kremen, Leonard, Rust, Braddock, R. King, Nelson, Pruitt, Cantwell, G. Fisher, Jacobsen, R. Fisher, Valle, Roland, Hine, Winsley, Rasmussen and Brekke; by request of Governor Gardner

Directing the development of a state energy strategy and authorizing the implementation of conservation savings and sales by state agencies.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass substitute. Committee on Capital Facilities & Financing recommendation: Majority, do pass substitute by Committee on Energy & Utilities as amended by Committee on Capital Facilities & Financing. (For committee amendments, see Journal, 52nd Day, March 6, 1991.)

On motion of Mr. Cooper, Substitute House Bill No. 1022 was substituted for House Bill No. 1022, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1022 was read the second time.

Ms. H. Sommers moved that the House do not adopt the committee amendment by Committee on Capital Facilities & Financing and spoke in favor of the motion. The motion was carried.

Mr. Cooper moved adoption of the following amendment by Representatives Cooper and May:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 43.21F RCW to read as follows:

DEVELOPMENT OF STATE ENERGY STRATEGY. (1) The state energy office shall develop a state energy strategy under the guidance of an advisory committee. The advisory committee shall include nineteen members and represent different regions of the state, including fourteen citizens appointed by the governor from the following groups: One person recommended by the investor-owned electric utilities, one person recommended by the investor-owned natural gas utilities, one person recommended by the suppliers of petroleum products, one person recommended by municipally owned electric utilities, one person recommended by the public utility districts, one person recommended by industrial energy users, one person recommended by commercial energy users, one person recommended by agricultural energy users, one person recommended by the association of Washington cities, one person recommended by the Washington association of counties, two persons recommended by civic organizations, and two persons recommended by environmental organizations. In addition, the advisory committee shall include one of the representatives of the state of Washington to the Pacific Northwest electric power and conservation planning council selected by the governor; the chair of the energy facility site evaluation council; one member of the utilities and transportation commission selected by the chair of the commission; one member of the house of representatives selected by the speaker of the house of representatives; and one member of the senate selected by the majority leader of the senate. The chair of the advisory committee will be appointed by the governor from citizen members. The director may establish technical advisory groups as necessary to assist in the development of the strategy. The director shall provide for extensive public involvement throughout the development of the strategy.

(2) The state energy strategy shall consider all forms of energy and each major sector of energy consumption and shall:

(a) Assess future needs of the state and future resources available for use in the state for each form of energy;

(b) Identify measures to assist in maintaining adequate, reliable, secure, economic, and environmentally acceptable supplies;

(c) Identify and, to the extent possible, quantify the costs and benefits of energy alternatives including direct economic costs and benefits, environmental costs and benefits, and the costs of inadequate or unreliable energy supplies;

(d) Develop a framework in which public decisions and actions affecting energy supply and use can be evaluated including the impact of decisions in other areas of public policy on energy supply and cost and on the use of energy and the establishment of goals to guide energy-related decisions;

(e) Evaluate the future role of the state energy office and means of financing those activities determined essential to that role; and

(f) Recommend energy goals and policies to the governor and the legislature.

(3) In developing the state energy strategy, the state energy office shall:

(a) Ensure that the information developed is objective and impartial and facilitates the effective and efficient operation of such energy markets as may exist and recognizes and conforms to the pattern of regulation governing public service companies but shall not mandate the use of one energy source over another;

(b) Draw upon existing public and private sector information and expertise in energy matters to the fullest extent possible through consultation and cooperation;

(c) Recognize the planning horizons required for each segment of the energy industry and the need for state actions and decisions to take those planning horizons into consideration; and

(d) Ensure that the strategy is coordinated with the energy planning activities of federal, state, and private entities and does not duplicate what is already available.

(4) The energy office shall provide a progress report to the house of representatives and senate committees on energy and utilities in January 1992. A final report shall be provided to the governor and the legislature by December 1, 1992.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source. If these forms are electricity and thermal energy, then the operating and efficiency standards established by 18 C.F.R. Sec. 292.205 and the definitions established by 18 C.F.R. Sec. 292.202 (c) through (m) apply.

(2) "Conservation" means reduced energy consumption or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment designed to achieve such results, but does not include thermal or electric energy production from cogeneration.

(3) "Cost-effective" means that the present value to a state agency or school district of the energy reasonably expected to be saved or produced by a facility, activity, measure, or piece of equipment over its useful life, including any compensation received from a utility or the bonnevillie power administration, is greater than the net present value of the costs of implementing, maintaining, and operating such facility, activity, measure, or piece of equipment over its useful life, when discounted at the cost of public borrowing.

(4) "Energy" means energy as defined in RCW 43.21F.025(1).

(5) "Energy efficiency" means a conservation or cogeneration project.

(6) "Energy office" means the Washington state energy office.

(7) "Performance-based contracting" means contracts for which payment is conditional on achieving contractually specified energy savings.

(8) "Public facility" means a building or structure, or a group of buildings or structures at a single site, owned by a state agency or school district.

(9) "State agency" means every state office or department, whether elective or appointive, state institutions of higher education, and all boards, commissions, or divisions of state government, however designated.

(10) "State facility" means a building or structure, or a group of buildings or structures at a single site, owned by a state agency.

(11) "Utility" means privately or publicly owned electric and gas utilities, electric cooperatives and mutuals, whether located within or without Washington state.

(12) "Local utility" means the utility or utilities in whose service territory a public facility is located.

NEW SECTION. Sec. 3. CONSERVATION PROJECTS: ROLES AND RESPONSIBILITIES. (1) Each state agency and school district shall implement cost-effective conservation improvements and maintain efficient operation of its facilities in order to minimize energy consumption and related environmental impacts and reduce operating costs.

(2) The energy office shall assist state agencies and school districts in identifying, evaluating, and implementing cost-effective conservation projects at their facilities. The assistance shall include the following:

(a) Notifying state agencies and school districts of their responsibilities under this chapter;

(b) Apprising state agencies and school districts of opportunities to develop and finance such projects;

(c) Providing technical and analytical support, including procurement of performance-based contracting services;

(d) Reviewing verification procedures for energy savings; and

(e) Assisting in the structuring and arranging of financing for cost-effective conservation projects.

(3) Conservation projects implemented under this chapter shall have appropriate levels of monitoring to verify the performance and measure the energy savings over the life of the project. The energy office shall solicit involvement in program planning and implementation from utilities and other energy conservation suppliers, especially those that have demonstrated experience in performance-based energy programs.

(4) The energy office shall comply with the requirements of chapter 39.80 RCW when contracting for architectural or engineering services.

(5) The energy office shall recover any costs and expenses it incurs in providing assistance pursuant to this section, including reimbursement from third parties participating in conservation projects. The energy office shall enter into a written agreement with the state agency or school district for the recovery of costs.

NEW SECTION. Sec. 4. COORDINATION OF CONSERVATION DEVELOPMENT WITH UTILITIES. (1) The energy office shall consult with the local utilities to develop priorities for energy conservation projects pursuant to this chapter, cooperate where possible with existing utility programs, and consult with the local utilities prior to implementing projects in their service territory.

(2) A local utility shall be offered the initial opportunity to participate in the development of conservation projects in the following manner:

(a) Before initiating projects in a local utility service territory, the energy office shall notify the local utility in writing, on an annual basis, of public facilities in the local utility's service territory at which the energy office anticipates cost-effective conservation projects will be developed.

(b) Within sixty days of receipt of this notification, the local utility may express interest in these projects by submitting to the energy office a written description of the role the local utility is willing to perform in developing and acquiring the conservation at these facilities. This role may include any local utility conservation programs which would be available to the public facility, any competitive bidding or solicitation process which the local utility will be undertaking in accordance with the rules of the utilities and transportation commission or the public utility district, municipal utility, cooperative, or

mutual governing body for which the public facility would be eligible, or any other role the local utility may be willing to perform.

(c) Upon receipt of the written description from the local utility, the energy office shall, through discussions with the local utility, and with involvement from state agencies and school districts responsible for the public facilities, develop a plan for coordinated delivery of conservation services and financing or make a determination of whether to participate in the local utility's competitive bidding or solicitation process. The plan shall identify the local utility in roles that the local utility is willing to perform and that are consistent with the provisions of section 5(2) (d) and (e) of this act.

NEW SECTION. Sec. 5. SALE OF CONSERVED ENERGY. (1) It is the intent of this chapter that the state, state agencies, and school districts are compensated fairly for the energy savings provided to utilities and be allowed to participate on an equal basis in any utility conservation program, bidding, or solicitation process. State agencies and school districts shall not receive preferential treatment. For the purposes of this section, any type of compensation from a utility or the bonneville power administration intended to achieve reductions or efficiencies in energy use which are cost-effective to the utility or the bonneville power administration shall be regarded as a sale of energy savings. Such compensation may include credits to the energy bill, low or no interest loans, rebates, or payment per unit of energy saved. The energy office shall, in coordination with utilities, the bonneville power administration, state agencies, and school districts, facilitate the sale of energy savings at public facilities including participation in any competitive bidding or solicitation which has been agreed to by the state agency or school district. Energy savings may only be sold to local utilities or, under conditions specified in this section, to the bonneville power administration. The energy office shall not attempt to sell energy savings occurring in one utility service territory to a different utility. Nothing in this chapter mandates that utilities purchase the energy savings.

(2) To ensure an equitable allocation of benefits to the state, state agencies, and school districts, the following conditions shall apply to transactions between utilities or the bonneville power administration and state agencies or school districts for sales of energy savings:

(a) A transaction shall be approved by both the energy office and the state agency or school district.

(b) The energy office and the state agency or school district shall work together throughout the planning and negotiation process for such transactions unless the energy office determines that its participation will not further the purposes of this section.

(c) Before making a decision under (d) of this subsection, the energy office shall review the proposed transaction for its technical and economic feasibility, the adequacy and reasonableness of procedures proposed for verification of project or program performance, the degree of certainty of benefits to the state, state agency, or school district, the degree of risk assumed by the state or school district, the benefits offered to the state, state agency, or school district and such other factors as the energy office determines to be prudent.

(d) The energy office shall approve a transaction unless it finds, pursuant to the review in (c) of this subsection, that the transaction would not result in an equitable allocation of costs and benefits to the state, state agency, or school district, in which case the transaction shall be disapproved.

(e) In addition to the requirements of (c) and (d) of this subsection, in areas in which the bonneville power administration has a program for the purchase of energy savings at public facilities, the energy office shall approve the transaction unless the local utility cannot offer a benefit substantially equivalent to that offered by the bonneville power administration, in which case the transaction shall be disapproved. In determining whether the local utility can offer a substantially equivalent benefit, the energy office shall consider the net present value of the payment for energy savings; any goods, services, or

financial assistance provided by the local utility; and any risks borne by the local utility. Any direct negative financial impact on a nongrowing, local utility shall be considered.

(3) Any party to a potential transaction may, within thirty days of any decision to disapprove a transaction made pursuant to subsection (2) (c), (d), or (e) of this section, request an independent reviewer who is mutually agreeable to all parties to the transaction to review the decision. The parties shall within thirty days of selection submit to the independent reviewer documentation supporting their positions. The independent reviewer shall render advice regarding the validity of the disapproval within an additional thirty days.

NEW SECTION. Sec. 6. AUTHORITIES OF STATE AGENCIES AND SCHOOL DISTRICTS TO IMPLEMENT CONSERVATION. In addition to any other authorities conferred by law:

(1) The energy office, with the consent of the state agency or school district responsible for a facility, a state or regional university acting independently, and any other state agency acting through the department of general administration or as otherwise authorized by law, may:

(a) Develop and finance conservation at public facilities in accordance with express provisions of this chapter;

(b) Contract for energy services, including performance-based contracts; and

(c) Contract to sell energy savings from a conservation project at public facilities to local utilities or the bonneville power administration.

(2) A state or regional university acting independently, and any other state agency acting through the department of general administration or as otherwise authorized by law, may undertake procurements for third-party development of conservation at its facilities.

(3) A school district may:

(a) Develop and finance conservation at school district facilities;

(b) Contract for energy services, including performance-based contracts at school district facilities; and

(c) Contract to sell energy savings from energy conservation projects at school district facilities to local utilities or the bonneville power administration directly or to local utilities or the bonneville power administration through third parties.

(4) In exercising the authority granted by subsections (1), (2), and (3) of this section, a school district or state agency must comply with the provisions of section 5 of this act.

NEW SECTION. Sec. 7. AUTHORITY TO FINANCE CONSERVATION IN SCHOOL DISTRICTS AND STATE AGENCIES. (1) The energy office, in accordance with RCW 43.21F.060(2) may use appropriated moneys to make loans to school districts to provide all or part of the financing for conservation projects. The energy office shall determine the eligibility of such projects for conservation loans and the terms of such loans. If loans are from moneys appropriated from bond proceeds, the repayments of the loans shall be sufficient to pay, when due, the principal and interest on the bonds and shall be paid to the energy efficiency construction account established in section 11 of this act. To the extent that a school district applies the proceeds of such loans to a modernization or new construction project, such proceeds shall be considered a portion of the school district's share of the costs of such project.

(2) State agencies may use financing contracts under chapter 39.94 RCW to provide all or part of the funding for conservation projects. The energy office shall determine the eligibility of such projects for financing contracts. The repayments of the financing contracts shall be sufficient to pay, when due, the principal and interest on the contracts.

NEW SECTION. Sec. 8. ROLES AND RESPONSIBILITIES OF COGENERATION PROJECTS WITH UTILITIES AND PRIVATE DEVELOPERS.

(1) Consistent with the region's need to develop cost-effective, high efficiency electric energy resources, the state shall investigate and, if appropriate, pursue

development of cost-effective opportunities for cogeneration in existing or new state facilities.

(2) To assist state agencies in identifying, evaluating, and developing potential cogeneration projects at their facilities, the energy office shall notify state agencies of their responsibilities under this chapter; apprise them of opportunities to develop and finance such projects; and provide technical and analytical support. The energy office shall recover costs for such assistance through written agreements, including reimbursement from third parties participating in such projects, for any costs and expenses incurred in providing such assistance.

(3)(a) The energy office shall identify priorities for cogeneration projects at state facilities, and, where such projects are initially deemed desirable by the energy office and the appropriate state agency, the energy office shall notify the local utility serving the state facility of its intent to conduct a feasibility study at such facility. The energy office shall consult with the local utility and provide the local utility an opportunity to participate in the development of the feasibility study for the state facility it serves.

(b) If the local utility has an interest in participating in the feasibility study, it shall notify the energy office and the state agency whose facility or facilities it serves within sixty days of receipt of notification pursuant to (a) of this subsection as to the nature and scope of its desired participation. The energy office, state agency, and local utility shall negotiate the responsibilities, if any, of each in conducting the feasibility study, and these responsibilities shall be specified in a written agreement.

(c) If a local utility identifies a potential cogeneration project at a state facility for which it intends to conduct a feasibility study, it shall notify the energy office and the appropriate state agency. The energy office, state agency, and local utility shall negotiate the responsibilities, if any, of each in conducting the feasibility study, and these responsibilities shall be specified in a written agreement. Nothing in this section shall preclude a local utility from conducting an independent assessment of a potential cogeneration project at a state facility.

(d) Agreements written pursuant to (a) and (b) of this subsection shall include a provision for the recovery of costs incurred by a local utility in performing a feasibility study in the event such utility does not participate in the development of the cogeneration project. If the local utility does participate in the cogeneration project through energy purchase, project development or ownership, recovery of the utility's costs may be deferred or provided for through negotiation on agreements for energy purchase, project development or ownership.

(e) If the local utility declines participation in the feasibility study, the energy office and the state agency may receive and solicit proposals to conduct the feasibility study from other parties. Participation of these other parties shall also be secured and defined by a written agreement which may include the provision for reimbursement of costs incurred in the formulation of the feasibility study.

(4) The feasibility study shall include consideration of regional and local utility needs for power, the consistency of the proposed cogeneration project with the state energy strategy, the cost and certainty of fuel supplies, the value of electricity produced, the capability of the state agency to own and/or operate such facilities, the capability of utilities or third parties to own and/or operate such facilities, requirements for and costs of standby sources of power, costs associated with interconnection with the local electric utility's transmission system, the capability of the local electric utility to wheel electricity generated by the facility, costs associated with obtaining wheeling services, potential financial risks and losses to the state and/or state agency, measures to mitigate the financial risk to the state and/or state agency, and benefits to the state and to the state agency from a range of design configurations, ownership, and operation options.

(5) Based upon the findings of the feasibility study, the energy office and the state agency shall determine whether a cogeneration project will be cost-effective and whether

development of a cogeneration project should be pursued. This determination shall be made in consultation with the local utility or, if the local utility had not participated in the development of the feasibility study, with any third party that may have participated in the development of the feasibility study.

(a) Recognizing the local utility's expertise, knowledge, and ownership and operation of the local utility systems, the energy office and the state agency shall have the authority to negotiate directly with the local utility for the purpose of entering into a sole source contract to develop, own, and/or operate the cogeneration facility. The contract may also include provisions for the purchase of electricity or thermal energy from the cogeneration facility, the acquisition of a fuel source, and any financial considerations which may accrue to the state from ownership and/or operation of the cogeneration facility by the local utility.

(b) The energy office may enter into contracts through competitive negotiation under this subsection for the development, ownership, and/or operation of a cogeneration facility. In determining an acceptable bid, the energy office and the state agency may consider such factors as technical knowledge, experience, management, staff, or schedule, as may be necessary to achieve economical construction or operation of the project. The selection of a developer or operator of a cogeneration facility shall be made in accordance with procedures for competitive bidding under chapter 43.19 RCW.

(c) The energy office shall comply with the requirements of chapter 39.80 RCW when contracting for architectural or engineering services.

(6)(a) The state may own and/or operate a cogeneration project at a state facility. However, unless the cogeneration project is determined to be cost-effective, based on the findings of the feasibility study, the energy office and state agency shall not pursue development of the project as a state-owned facility. If the project is found to be cost-effective, and the energy office and the state agency agree development of the cogeneration project should be pursued as a state-owned and/or operated facility, the energy office shall assist the state agency in the preparation of a finance and development plan for the cogeneration project. Any such plan shall fully account for and specify all costs to the state for developing and/or operating the cogeneration facility.

(b) It is the general intent of this chapter that cogeneration projects developed and owned by the state will be sized to the projected thermal energy load of the state facility over the useful life of the project. The principal purpose and use of such projects is to supply thermal energy to a state facility and not primarily to develop generating capacity for the sale of electricity. For state-owned projects with electricity production in excess of projected thermal requirements, the energy office shall seek and obtain legislative appropriation and approval for development. Nothing in this act shall be construed to authorize any state agency to sell electricity or thermal energy on a retail basis.

(7) When a cogeneration facility will be developed, owned, and/or operated by a state agency or third party other than the local serving utility, the energy office and the state agency shall negotiate a written agreement with the local utility. Elements of such an agreement shall include provisions to ensure system safety, provisions to ensure reliability of any interconnected operations equipment necessary for parallel operation and switching equipment capable of isolating the generation facility, the provision of and reimbursement for standby services, if required, and the provision of and reimbursement for wheeling electricity, if the provision of such has been agreed to by the local utility.

(8) The state may develop and own a thermal energy distribution system associated with a cogeneration project for the principal purpose of distributing thermal energy at the state facility. If thermal energy is to be sold outside the state facility, the state may only sell the thermal energy to a utility.

NEW SECTION. Sec. 9. SALE OF COGENERATED ELECTRICITY AND STEAM. It is the intention of this act that the state and its agencies are compensated fairly for the energy provided to utilities from cogeneration at state facilities. Such

compensation may include revenues from sales of electricity or thermal energy to utilities, lease of state properties, and value of thermal energy provided to the facility. It is also the intent of this act that the state and its agencies be accorded the opportunity to compete on a fair and reasonable basis to fulfill a utility's new resource acquisition needs when selling the energy produced from cogeneration projects at state facilities through energy purchase agreements.

(1)(a) The energy office and state agencies may participate in any utility request for resource proposal process, as either established under the rules and regulations of the utilities and transportation commission, or by the governing board of a public utility district, municipal utility, cooperative, or mutual.

(b) If a local utility does not have a request for resource proposal pending, the energy office or a state agency may negotiate an equitable and mutually beneficial energy purchase agreement with that utility.

(2) To ensure an equitable allocation of benefits to the state and its agencies, the following conditions shall apply to energy purchase agreements negotiated between utilities and state agencies:

(a) An energy purchase agreement shall be approved by both the energy office and the affected state agency.

(b) The energy office and the state agency shall work together throughout the planning and negotiation process for energy purchase agreements, unless the energy office determines that its participation will not further the purposes of this section.

(c) Before approving an energy purchase agreement, the energy office shall review the proposed agreement for its technical and economic feasibility, the degree of certainty of benefits, the degree of financial risk assumed by the state and/or the state agency, the benefits offered to the state and/or state agency, and other such factors as the energy office deems prudent. The energy office shall approve an energy purchase agreement unless it finds that such an agreement would not result in an equitable allocation of costs and benefits, in which case the transaction shall be disapproved.

(3)(a) The state or state agency shall comply with and shall be bound by applicable avoided cost schedules, electric power wheeling charges, interconnection requirements, utility tariffs, and regulatory provisions to the same extent it would be required to comply and would be bound if it were a private citizen. The state shall neither seek regulatory advantage, nor change regulations, regulatory policy, process, or decisions to its advantage as a seller of cogenerated energy. Nothing contained in this act shall be construed to mandate or require public or private utilities to wheel electric energy resources within or beyond their service territories. Nothing contained in this act requires a utility to purchase energy from the state or a state agency or enter into any agreement in connection with a cogeneration facility.

(b) The state shall neither construct, nor be party to an agreement for developing a cogeneration project at a state facility for the purpose of supplying its own electrical needs, unless it can show that such an arrangement would be in the economic interest of the state taking into account the cost of (i) interconnection requirements, as specified by the local electric utility, (ii) standby charges, as may be required by the local electric utility, and (iii) the current price of electricity offered by the local electric utility. If the local electric utility can demonstrate that the cogeneration project may place an undue burden on the electric utility, the energy office or the state agency shall attempt to negotiate a mutually beneficial agreement that would minimize the burden upon the ratepayers of the local electric utility.

(4) Any party to an energy purchase agreement may, within thirty days of any decision made pursuant to subsection (2)(c) of this section to disapprove the agreement made pursuant to this section, request an independent reviewer who is mutually agreeable to all parties to review the decision. The parties shall within thirty days of selection submit to the independent reviewer documentation supporting their positions. The

independent reviewer shall render advice regarding the validity of the disapproval within an additional thirty days.

NEW SECTION. Sec. 10. AUTHORITIES RELATED TO COGENERATION AT STATE AGENCIES. In addition to any other authorities conferred by law:

(1) The energy office, with the consent of the state agency responsible for a facility, a state or regional university acting independently, and any other state agency acting through the department of general administration or as otherwise authorized by law, may:

- (a) Contract to sell electric energy generated at state facilities to a utility; and
- (b) Contract to sell thermal energy produced at state facilities to a utility.

(2) A state or regional university acting independently, and any other state agency acting through the department of general administration or as otherwise authorized by law, may:

(a) Acquire, install, permit, construct, own, operate, and maintain cogeneration and facility heating and cooling measures or equipment, or both, at its facilities;

(b) Lease state property for the installation and operation of cogeneration and facility heating and cooling equipment at its facilities;

(c) Contract to purchase all or part of the electric or thermal output of cogeneration plants at its facilities;

(d) Contract to purchase or otherwise acquire fuel or other energy sources needed to operate cogeneration plants at its facilities; and

(e) Undertake procurements for third-party development of cogeneration projects at its facilities, with successful bidders to be selected based on the responsible bid, including nonprice elements listed in RCW 43.19.1911, that offers the greatest net achievable benefits to the state and its agencies.

(3) After the effective date of this section, a state agency shall consult with the energy office prior to exercising any authority granted by this section.

(4) In exercising the authority granted by subsections (1) and (2) of this section, a state agency must comply with the provisions of section 9 of this act.

NEW SECTION. Sec. 11: ENERGY EFFICIENCY CONSTRUCTION ACCOUNT. (1) The energy efficiency construction account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation and only for the following purposes:

(a) Construction of energy efficiency projects, including project evaluation and verification of benefits, project design, project development, project construction, and project administration.

(b) Payment of principal and interest and other costs required under bond covenant on bonds issued for the purpose of (a) of this subsection.

(2) Sources for this account may include:

(a) General obligation and revenue bond proceeds appropriated by the legislature;

(b) Loan repayments under section 7 of this act sufficient to pay principal and interest obligations; and

(c) Funding from federal, state, and local agencies.

(3) The energy office shall establish criteria for approving energy efficiency projects to be financed from moneys disbursed from this account. The criteria shall include cost-effectiveness, reliability of energy systems, and environmental costs or benefits. The energy office shall ensure that the criteria are applied with professional standards for engineering and review.

NEW SECTION. Sec. 12. ENERGY EFFICIENCY SERVICES ACCOUNT. (1) The energy efficiency services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only (a) for the energy office to provide energy efficiency services to state agencies

and school districts including review of life-cycle cost analyses and (b) for transfer by the legislature to the state general fund.

(2) All receipts from the following sources shall be deposited into the account:

(a) Project fees charged under this section and sections 3, 8, and 16 of this act;

(b) After payment of any principal and interest obligations, moneys from repayments of loans under section 7 of this act;

(c) Revenue from sales of energy generated or saved at public facilities under this chapter, except those retained by state agencies and school districts under section 13 of this act; and

(d) Payments by utilities and federal power marketing agencies under this chapter, except those retained by state agencies and school districts under section 13 of this act.

(3) The energy office may accept moneys and make deposits to the account from federal, state, or local government agencies.

(4) Within one hundred eighty days after the effective date of this act, the energy office shall adopt rules establishing criteria and procedures for setting a fee schedule, establishing working capital requirements, and receiving deposits for this account.

NEW SECTION. Sec. 13. PROJECT BENEFITS. (1) Potential benefits from energy efficiency projects at public facilities include savings in the form of reduced energy costs; revenues from lease payments, sales of energy or energy savings, or other sources; avoided capital costs; site enhancements; and additional operating and maintenance resources.

(2) To encourage these projects at state facilities, and notwithstanding any other provision of law, the following benefits from energy efficiency projects completed after the effective date of this chapter shall be apportioned as specified:

(a) As to conservation, state agencies may retain all net savings in the form of reduced energy costs, and one-half of all net revenues from any transaction with a utility, the Bonneville power administration, or other entity;

(b) As to cogeneration projects, state agencies may retain one-half of all net savings in the form of reduced energy costs and twenty percent of all net revenues generated by the project from any source except that state institutions of higher education may retain one-half of all net revenues generated by the project; and

(c) The remaining net revenues from conservation projects, and remaining net savings and revenues from cogeneration projects, shall be remitted to the state for the disposition and uses specified in subsection (4) of this section.

(3) Each state agency's share of net savings from cogeneration projects and of all net revenues shall be credited to a special local account created under section 18 of this act, the use of which shall be limited, in priority order, to ongoing operation, maintenance, and improvements of energy systems and energy efficiency measures, to other ongoing and deferred maintenance, and to other infrastructure improvements at the facility that was the site of the energy efficiency project.

(4) The state's share of net savings from cogeneration projects and of all net revenues, and any portion of the state agency's share which exceeds its needs for the purposes specified in subsection (3) of this section, shall be deposited in the energy efficiency services account established by section 12 of this act.

(5) The use by state agencies of net savings and net revenues from energy efficiency projects shall be in addition to, and shall not supplant or replace, funding from traditional sources for their normal operations and maintenance or capital budgets. It is the intent of this subsection to ensure that such institutions receive the full benefit intended by this section, and that such effect will not be diminished by budget adjustments inconsistent with this intent.

(6) Energy efficiency projects in school districts, funded in whole or in part with state assistance provided under chapter 28A.525 RCW, or with the financing mechanisms

authorized by this chapter, shall be subject to the provisions of this section governing the apportionment and use of savings and revenues from energy efficiency projects.

(7) For purposes of this section, "net" savings and revenues shall mean savings and revenues remaining after payment of project capital costs, including debt service, and other payments and reserves as required by a bond resolution or loan agreement under this chapter, and payment of project operating and maintenance expenses. The energy office shall develop guidelines and procedures for determining net savings and net revenues for energy efficiency projects at public facilities by April 1, 1992.

(8) The energy office shall report annually until the year 2006 to the director of the office of financial management and the chairs of the senate ways and means committee and the appropriate house of representatives fiscal committees regarding the amount of savings and revenues from energy conservation and cogeneration retained by individual state agencies.

Sec. 14. RCW 39.35.030 and 1982 c 159 s 3 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and all political subdivisions of the state.

(2) "Office" means the Washington state energy office.

(3) "Major facility" means any publicly owned or leased building having twenty-five thousand square feet or more of usable floor space.

(4) "Initial cost" means the moneys required for the capital construction or renovation of a major facility.

(5) "Renovation" means additions, alterations, or repairs within any twelve-month period which exceed fifty percent of the value of a major facility and which will affect any energy system.

(6) "Economic life" means the projected or anticipated useful life of a major facility as expressed by a term of years.

(7) "Life-cycle cost" means the initial cost and cost of operation of a major facility over its economic life. This shall be calculated as the initial cost plus the operation, maintenance, and energy costs over its economic life, reflecting anticipated increases in these costs discounted to present value at the current rate for borrowing public funds, as determined by the ~~((state finance committee))~~ office of financial management. The energy cost~~((s))~~ projections used shall be those ~~((projected))~~ provided by the state energy office. The office shall update ~~((the))~~ these projections ~~((of energy costs))~~ at least every two years.

(8) "Life-cycle cost analysis" includes, but is not limited to, the following elements:

(a) The coordination and positioning of a major facility on its physical site;

(b) The amount and type of fenestration employed in a major facility;

(c) The amount of insulation incorporated into the design of a major facility;

(d) The variable occupancy and operating conditions of a major facility; and

(e) An energy-consumption analysis of a major facility.

(9) "Energy systems" means all utilities, including, but not limited to, heating, air-conditioning, ventilating, lighting, and the supplying of domestic hot water.

(10) "Energy-consumption analysis" means the evaluation of all energy systems and components by demand and type of energy including the internal energy load imposed on a major facility by its occupants, equipment, and components, and the external energy load imposed on a major facility by the climatic conditions of its location. An energy-consumption analysis of the operation of energy systems of a major facility shall include, but not be limited to, the following elements:

(a) The comparison of three or more system alternatives, at least one of which shall include renewable energy systems;

(b) The simulation of each system over the entire range of operation of such facility for a year's operating period; and

(c) The evaluation of the energy consumption of component equipment in each system considering the operation of such components at other than full or rated outputs.

The energy-consumption analysis shall be prepared by a professional engineer or licensed architect who may use computers or such other methods as are capable of producing predictable results.

(11) "Renewable energy systems" means methods of facility design and construction and types of equipment for the utilization of renewable energy sources including, but not limited to, active or passive solar space heating or cooling, domestic solar water heating, windmills, waste heat, biomass and/or refuse-derived fuels, ~~((co-generated energy))~~ photovoltaic devices, and geothermal energy.

(12) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source. Where these forms are electricity and thermal energy, then the operating and efficiency standards established by 18 C.F.R. Sec. 292.205 and the definitions established by 18 C.F.R. 292.202 (c) through (m) as of the effective date of this act shall apply.

NEW SECTION. Sec. 15. A new section is added to chapter 39.35 RCW to read as follows:

GUIDELINES FOR LIFE-CYCLE COST ANALYSIS. The office, in consultation with affected public agencies, shall develop and issue guidelines for administering this chapter. The purpose of the guidelines is to define a procedure and method for performance of life-cycle cost analysis to promote the selection of low-life-cycle cost alternatives. At a minimum, the guidelines must contain provisions that:

(1) Address energy considerations during the planning phase of the project;

(2) Identify energy components and system alternatives including renewable energy systems and cogeneration applications prior to commencing the energy consumption analysis;

(3) Establish times during the design process for preparation, review, and approval or disapproval of the life-cycle cost analysis;

(4) Specify the assumptions to be used for escalation and inflation rates, equipment service lives, economic building lives, and maintenance costs;

(5) Determine life-cycle cost analysis format and submittal requirements to meet the provisions of this act;

(6) Provide for review and approval of life-cycle cost analysis.

NEW SECTION. Sec. 16. A new section is added to chapter 39.35 RCW to read as follows:

LIFE-CYCLE COST ANALYSIS REVIEW FEES. The energy office may impose fees upon affected public agencies for the review of life-cycle cost analyses. The fees shall be deposited in the energy efficiency services account established in section 12 of this act. The purpose of the fees is to recover the costs by the office for review of the analyses. The office shall set fees at a level necessary to recover all of its costs related to increasing the energy efficiency of state-supported new construction. The fees shall not exceed one-tenth of one percent of the total cost of any project or exceed two thousand dollars for any project unless mutually agreed to. The office shall provide detailed calculation ensuring that the energy savings resulting from its review of life-cycle cost analysis justify the costs of performing that review.

NEW SECTION. Sec. 17. **ADOPTION OF RULES.** The energy office may adopt rules to implement sections 3 through 5, 8, 9, 13, and 15 of this act.

Sec. 18. RCW 43.88.195 and 1979 c 151 s 140 are each amended to read as follows:

After August 11, 1969, no state agency, state institution, state institution of higher education, which shall include all state universities, regional universities, The Evergreen

State College, and community colleges, shall establish any new accounts or funds which are to be located outside of the state treasury: PROVIDED, That the office of financial management shall be authorized to grant permission for the establishment of such an account or fund outside of the state treasury only when the requesting agency presents compelling reasons of economy and efficiency which could not be achieved by placing such funds in the state treasury. When the director of financial management authorizes the creation of such fund or account, ~~((he))~~ the director shall forthwith give written notice of the fact to the standing committees on ways and means of the house and senate: PROVIDED FURTHER, That the office of financial management may grant permission for the establishment of accounts outside of the state treasury for the purposes of section 13 of this act.

Sec. 19. 1989 1st ex.s. c 12 s 301 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ENERGY OFFICE

Energy conservation projects (90-4-001)

The appropriation in this section is subject to the following conditions and limitations: The department shall contract with the following agencies for the amounts specified to undertake energy conservation projects. Each contract shall require the agencies listed below to deposit into the energy ~~((conservation account, hereby created in the state treasury))~~ efficiency services account, created in section 12 of this act, an amount equal to the contract amount. The payback period for the contracted amount shall be determined by the department, but shall not exceed six years.

(1) No more than \$1,033,000 shall be expended for energy conservation projects for Military Department facilities;

(2) No more than \$361,600 shall be expended for energy conservation projects for the department of social and health services;

(3) No more than \$552,000 shall be expended for energy conservation projects for The Evergreen State College.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,946,600
	Prior Biennia	Future Biennia
		Total
	2,199,000	4,145,600

NEW SECTION. Sec. 20. CODIFICATION INSTRUCTIONS. Sections 2 through 13 and 17 of this act shall constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 21. CAPTIONS NOT LAW. Captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 22. REPEALER. 1982 c 159 s 6 (uncodified) is repealed.

NEW SECTION. Sec. 23. SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representatives Cooper and May spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Cooper and May to the title was adopted:

On page 1, line 1 of the title, after "policy;" strike the remainder of the title and insert "amending RCW 39.35.030 and 43.88.195; amending 1989 1st ex.s. c 12 s 301 (uncodified); adding a new section to chapter 43.21F RCW; adding new sections to chapter 39.35 RCW; adding a new chapter to Title 39 RCW; creating a new section; and repealing 1982 c 159 s 6 (uncodified)."

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

Representatives Cooper and May spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1022, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1022, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1841 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1841, by Representatives Leonard, Winsley, Cantwell, Hine, G. Fisher, Anderson, Nelson, Brekke, Roland, Rasmussen, Paris and Sheldon

Assisting mobile home tenants.

The bill was read the second time. On motion of Mr. Nelson, Substitute House Bill No. 1841 was substituted for House Bill No. 1841, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1841 was read the second time.

Ms. Leonard moved adoption of the following amendment by Representatives Leonard, Mitchell and Hine:

On page 2, beginning on line 1, strike all of section 2 and insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 59.21 RCW to read as follows:

Each mobile home park-owner shall pay an annual fee of five dollars for each occupied lot in the mobile home park. Lots that are occupied by mobile homes or recreational vehicles owned by the park-owner are exempt from this fee requirement. The fee shall be due on October 1 of each year. The fee shall be remitted by the park-owner to the department of revenue under rules as the department shall prescribe. The fee imposed under this section shall be forwarded by the department of revenue to the state treasurer for deposit into the mobile home park relocation fund. The provisions of chapter 82.32 RCW shall apply to the collection and enforcement of this fee.

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1841, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Inslee - 01.

Absent: Representative Wynne - 01.

Engrossed Substitute House Bill No. 1841, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Please indicate that I intended to vote "yes" on final passage of Engrossed Substitute House Bill No. 1841.

JOHN C. WYNNE, District 39A.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1971 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1971, by Representatives Dellwo, Paris, Zellinsky, Mielke, Inslee, Day, Schmidt, Prince and Scott

Regulating alien insurers.

The bill was read the second time. On motion of Mr. Dellwo, Substitute House Bill No. 1971 was substituted for House Bill No. 1971, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1971 was read the second time.

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

Representatives Dellwo and Paris spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1971, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1971, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately begin consideration of House Bills on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1796, by Representatives Belcher, Fraser, Locke, Dellwo, Bowman, Basich, Riley, Zellinsky, Ebersole, Orr, Inslee, Sheldon, Rasmussen, Ogden, Spanel, R. King, H. Myers, O'Brien, Sprengle and Anderson

Addressing problems with health care coverage for retired and disabled public employees.

The bill was read the second time.

Ms. Spanel moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1796.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1796, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1796, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1806, by Representatives R. Meyers, Winsley and R. Johnson

Modifying the definition of "junk vehicle."

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1806.

Representatives R. Fisher and Dorn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1806, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1806, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1808, by Representatives Wineberry, Miller, Wood, Belcher, Rasmussen, Forner, H. Myers, R. King, Silver, Leonard, Fraser, Winsley, Phillips and Mitchell; by request of Dept. of Trade and Economic Development

Pertaining to the child care facility fund.

The bill was read the second time.

Mr. Dorn moved that the committee recommendation be adopted (For committee amendments, see Journal, 57th Day, March 11, 1991.) and the engrossed substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1808.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1808, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen,

Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1808, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1864, by Representatives Kremen, Haugen, Wilson, Roland, Braddock, Spanel, Rayburn, Rasmussen, Leonard, Bowman, R. Johnson, P. Johnson and Sheldon

Changing requirements for removal of sand and gravel from aquatic lands.

The bill was read the second time.

Mr. Dorn moved that the committee recommendation be adopted (For committee amendments, see Journal, 57th Day, March 11, 1991.) and the engrossed substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1864.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1864, and the bill passed the House by the following vote:

Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1864, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1880, by Representatives Cole, Brumsickle, Peery, Riley, Paris, Jacobsen, May, Betrozoff and Rasmussen; by request of Superintendent of Public Instruction

Authorizing the replacement of school buses.

The bill was read the second time.

Mr. G. Fisher moved that the committee recommendation be adopted (For committee amendment, see Journal, 57th Day, March 11, 1991.) and the engrossed substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1880.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1880, and the bill passed the House by the following vote:

Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1880, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1883, by Representatives R. Meyers, Chandler, Grant, Nealey, Hochstatter, McLean, Vance, Riley, Bray, Paris, Jacobsen, May, Betzoff, Wynne, Moyer, D. Sommers and Rasmussen

Encouraging gasohol.

The bill was read the second time.

Ms. H. Myers moved that the committee recommendation be adopted (For committee amendments, see Journal, 46th Day, February 28, 1991.) and the engrossed bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1883.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1883, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1883, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1887, by Representatives Fraser, Belcher, Beck, Valle, Brumsickle; Rust, Ogden, Pruitt, Jacobsen, Sprenkle, Rasmussen, Prentice, Moyer, Forner, Padden, Paris, Phillips, Miller, May, Winsley, Tate, D. Sommers and Silver

Redefining open space land.

The bill was read the second time.

Mr. Dorn moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1887.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1887, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen,

Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1887, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1891, by Representatives Braddock and Wineberry; by request of Washington Basic Health Plan and Office of Financial Management

Coordinating the basic health plan with medical assistance.

The bill was read the second time.

Mr. Braddock moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1891.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1891, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2008, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2008 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2008, by Representatives Nelson, Leonard, Winsley, Tate, Brekke, Phillips, H. Sommers, D. Sommers, Holland, Mitchell and P. Johnson

Changing "handicapped" to "disabled."

The bill was read the second time.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2008, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2008, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2026, by Representatives Fraser, Miller, Valle, Rayburn, McLean, Belcher, Jacobsen, Nealey, Paris, Winsley and Chandler; by request of Jnt Sel Com on Water Resource Policy

Providing for comprehensive water resources management.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Natural Resources & Parks as amended by Committee on Revenue. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Ms. Belcher, Substitute House Bill No. 2026 was substituted for House Bill No. 2026, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2026 was read the second time.

Mr. Wang moved adoption of the committee amendment by Committee on Revenue.

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

On page 26, after line 13 of the amendment, strike all material through "act." on line 19 and insert the following:

NEW SECTION. Sec. 24. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Water distribution business" shall have the meaning in RCW 82.16.010(4).

(2) "Person" shall have the meaning in RCW 82.04.030 or any later, superseding action.

(3) "Department" means the department of revenue.

(4) "Water system operator" means any person engaged in the water distribution business.

(5) "Customer" means any person to whom a water system operator furnishes water for sale or hire.

(6) "Taxable year" shall have the meaning in RCW 82.04.020.

NEW SECTION. Sec. 25. There is levied and there shall be collected from every water system operator a tax for the act or privilege of providing water for sale or hire to any customer. The tax shall be equal to two dollars for each customer served by the water system operator during a taxable year.

NEW SECTION. Sec. 26. The tax imposed under this chapter shall be due and payable on or before the last day of the first month following the end of a taxable year or at more frequent intervals as the department may prescribe by rule.

NEW SECTION. Sec. 27. Taxes received by the state under this chapter shall be deposited into the water management account created in section 22 of this act and shall be used exclusively to fund grants to local governments to participate in the water resource planning and management process, including data management.

NEW SECTION. Sec. 28. The taxes imposed in this chapter shall not apply to any agency, division, or branch of the federal government.

NEW SECTION. Sec. 29. Chapter 82.32 RCW applies to the taxes imposed under this chapter.

NEW SECTION. Sec. 30. The department of revenue shall adopt such rules as may be necessary to enforce and administer this chapter.

NEW SECTION. Sec. 31. This chapter expires June 30, 1993. The expiration of this chapter shall not be construed as affecting any existing right acquired or liability or obligation incurred under any section making up a part of this chapter or under any rule or order adopted under that section, nor as affecting any proceeding instituted under that section.

NEW SECTION. Sec. 32. A new section is added to chapter 90.03 RCW to read as follows:

(1) Each person holding a water right established under this chapter or chapter 90.44 RCW and each person or successor in title claiming a right to water under chapter 90.14 RCW shall remit to the department a one-time fee of fifteen dollars for each water right owned or claimed. The purpose of this fee is to provide a source of funds for updating the pertinent information on each right or claim in the water resource information system. Any water system operator subject to taxation pursuant to section 25 of this act shall not be required to remit the fee required by this subsection.

(2) The department shall provide a notice to each water right holder and claimant that the fees required in this section are due and payable to the department no later than two calendar months after the date such notice is mailed. The department shall send a

second notice to any person who fails to remit the fee by the due date. Any fee received by the department more than two weeks after the due date shall be assessed a ten-dollar penalty plus interest from the due date. The department shall send a final notice of delinquency to any person who fails to remit the fee by one month after the due date.

(3) Failure to remit fees or penalties shall, in addition to penalties provided in this chapter, constitute a lien against the real property to which the water right is appurtenant, and shall be reported to the county auditor by the department, supported by proper and conclusive evidence, and collected in the manner and with the same priority over other creditors as prescribed for the collection of delinquent taxes. The final notice of delinquency shall notify the person that the failure to remit fees or penalties shall constitute a lien against the real property to which the water right is appurtenant. Water rights or claims may not be transferred unless the holder or claimant has paid the fee and any penalties in full.

(4) Any person receiving the notice of fees due under this section who does not wish to retain a water right or claim or who does not wish to pay the fee required under this section may elect to voluntarily relinquish the right or claim. If such right is voluntarily relinquished in writing by the owner or claimant prior to two months after the due date, no fee required by this section is payable.

(5) For purposes of efficient administration, the department may undertake the fee notification and payment process required by this section by geographical regions or by counties. This process shall be completed by June 30, 1993.

(6) The funds collected by the department under this section shall be deposited in the water management account created in section 22 of this act. The account shall reimburse the general fund for any costs necessary to initiate the collection of fees required by this section.

NEW SECTION. Sec. 33. A new section is added to chapter 65.08 RCW to read as follows:

If a conveyance of real property is recorded pursuant to this chapter, the recording office shall notify the purchaser of the need to notify the department of ecology within thirty days of the recording of that property to which a water right established under chapter 90.03 or 90.44 RCW, or to which a water right claim under chapter 90.14 RCW is appurtenant has changed ownership. The department of ecology shall require the purchaser to provide information sufficient to update the water resource information system.

NEW SECTION. Sec. 34. A new section is added to chapter 65.12 RCW to read as follows:

If a conveyance of real property is recorded pursuant to this chapter, the recording officer shall notify the purchaser of the need to notify the department of ecology within thirty days of the recording of that property to which a water right established under chapter 90.03 or 90.44 RCW, or to which a water right claim under chapter 90.14 RCW is appurtenant has changed ownership. The department of ecology shall require the purchaser to provide information sufficient to update the water resource information system.

NEW SECTION. Sec. 35. A new section is added to chapter 90.03 RCW to read as follows:

Upon recording of a conveyance of real property pursuant to chapter 65.08 or 65.12 RCW, the purchaser shall inform the department of the change of ownership of property to which a water right established under this chapter or chapter 90.44 RCW, or to which a water right claim under chapter 90.14 RCW is appurtenant has changed ownership. The department shall require the purchaser to provide ownership sufficient to update the water resource information system.

NEW SECTION. Sec. 36. A new section is added to chapter 84.36 RCW to read as follows:

(1) All water-conserving irrigation equipment, both real and personal, shall be exempt from ad valorem taxation.

(2) The exemption shall apply only if the taxpayer provides, upon an application provided by the department of revenue and supplied by the county assessor, sufficient information for the county assessor to determine that the property for which the exemption is sought meets the requirements of this section.

(3) The county legislative authority may require that a reasonable one-time processing fee accompany the application.

(4) The county assessor shall make the necessary information, including copies of chapter ..., Laws of 1991 (this act) and accompanying rules, readily available to interested persons, and the county assessor shall render reasonable assistance upon request.

(5) For purposes of this exemption, the term "water-conserving irrigation equipment" means all irrigation equipment, that when put to use, results in the more efficient use of water to grow crops.

(6)(a) Upon removal from agricultural use of the land upon which water conservation equipment has been installed for which an exemption has been granted under this section, the owner of the equipment at the time of such removal shall remit all amounts of tax that would have been paid during the seven previous years had the equipment not been exempt from tax under this section, including applicable interest. In the case of equipment that has become affixed to the land so as to become a part of the realty, the owner of the land so removed from agricultural use shall be liable for the amount of real property tax attributable to the equipment so affixed during such seven-year period. The taxes payable under this subsection shall be due and payable at the time of such removal from agricultural use and shall be considered delinquent thereafter.

(b) Interest shall be charged on any amount of tax becoming due by reason of removal from agricultural use at the statutory rate charged on delinquent property taxes from the dates on which such tax could have been paid without penalty if the irrigation equipment had been assessed without regard to this section.

(c) All amounts of tax becoming due as a result of removal from agricultural use, together with applicable interest, shall become a lien at the time of removal upon the property against which such taxes are imposed. This lien shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which such property may become chargeable.

(d) In the case of real property taxes becoming due as a result of removal from agricultural use, the lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050.

(e) Personal property taxes becoming due as a result of removal from agricultural use shall be subject to collection by the county treasurer in the manner as provided for the collection of delinquent personal property taxes in chapter 84.56 RCW.

(7) The department of revenue shall adopt such rules as are necessary for the administration of this section.

(8) This exemption shall be effective for taxes assessed in 1992 and 1993.

(9) This section shall expire December 31, 1993, unless extended by the legislature.

NEW SECTION. Sec. 37. A new section is added to chapter 82.04 RCW to read as follows:

The tax imposed by RCW 82.04.240 shall not apply to the treatment or processing of effluent water purchased for commercial use directly from a sewage treatment facility operated by any county, city, town, political subdivision, or municipal or quasi-municipal corporation of this state. This section shall expire December 31, 1993, unless extended by the legislature.

NEW SECTION. Sec. 38. A new section is added to chapter 82.12 RCW to read as follows:

This chapter shall not apply with respect to the use of treated or processed effluent water purchased for commercial use directly from a sewage treatment facility operated by any county, city, town, political subdivision, or municipal or quasi-municipal corporation of this state. This section shall expire December 31, 1993, unless extended by the legislature.

NEW SECTION. Sec. 39. The sum of three million nine hundred thirty-six thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the department of ecology for the purposes of implementing a cooperative regional water resources planning and management process, specifically including (1) conservation pursuant to this act; (2) the water resources forum; (3) the critical area consultation process; (4) enhanced compliance efforts; and (5) a participatory grant program.

NEW SECTION. Sec. 40. The sum of six hundred seventy-four thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the department of health for the purposes of implementing a cooperative regional water resources planning and management process, specifically including water reuse standards, model rates, and a metering program.

NEW SECTION. Sec. 41. The sum of sixty-seven thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the state building code council for the purposes of section 13 of this act.

NEW SECTION. Sec. 42. The sum of seventy-seven thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the department of agriculture.

NEW SECTION. Sec. 43. The sum of thirty-four thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the parks and recreation commission.

NEW SECTION. Sec. 44. The sum of thirty-four thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the department of wildlife.

NEW SECTION. Sec. 45. The sum of thirty-four thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the department of fisheries.

NEW SECTION. Sec. 46. If specific funding for the purposes of an appropriation in sections 39 through 45 of this act is provided by June 30, 1991, in the omnibus appropriations act, then the appropriation in this act for which specific funding is provided in the omnibus appropriations act is null and void.

NEW SECTION. Sec. 47. Sections 39 through 45 of this act are a one-time appropriation to implement a cooperative water resources planning and management process. By August 31, 1992, the department of ecology, based on consultation with the water resources forum, shall submit to the legislature recommendations for the long-term funding needs and revenue sources for continuing the cooperative water resources planning and management process. Such recommendations shall also include whether to continue the tax incentives contained in sections 24 through 38 of this act.

NEW SECTION. Sec. 48. Sections 24 through 31 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 49. Sections 3 through 10 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 50. Sections 24 through 31 of this act shall constitute a new chapter in Title 82 RCW.

Renumber the remaining section consecutively.

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

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

Mr. Wang moved adoption of the committee amendment to the title.

With consent of the House, the following amendment by Representative Belcher and others to the committee amendment to the title was adopted:

On page 27, line 10 of the title amendment, after "90.14 RCW;" strike the remainder of the title and insert "adding new sections to chapter 90.03 RCW; adding a new section to chapter 18.104 RCW; adding a new section to chapter 65.08 RCW; adding a new section to chapter 65.12 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 90 RCW; adding a new chapter to Title 82 RCW; creating new sections; making appropriations; providing an effective date; providing an expiration date; and declaring an emergency."

The committee amendment as amended to the title was adopted.

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

Representatives Fraser and McLean spoke in favor of passage of the bill, and Mr. Beck spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2026, and the bill passed the House by the following vote: Yeas - 89, Nays - 9, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betrozoff, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Ballard, Beck, Bowman, Brumsickle, Hochstatter, Nealey, Prince, Vance, Van Luven - 09.

Engrossed Substitute House Bill No. 2026, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2044, by Representative Cooper

Expanding membership of the transportation improvement board.

The bill was read the second time. On motion of Ms. R. Fisher, Substitute House Bill No. 2044 was substituted for House Bill No. 2044, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2044 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2044, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2044, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2086, by Representative Appelwick

Creating a central filing system for security interests in farm crops.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Judiciary as amended by Committee on Appropriations. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Appelwick, Substitute House Bill No. 2086 was substituted for House Bill No. 2086, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2086 was read the second time.

On motion of Ms. Spanel, the committee amendment by Committee on Appropriations was adopted.

Mr. Appelwick moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The availability of credit is vital for agriculture. For that reason, the legislature has traditionally promoted the availability of agricultural credit. The legislature finds that lenders lack a uniformly effective means of providing notice of a lender's security interest in farm products to purchasers of the products. The legislature further finds that purchasers lack any practical method for discovering the existence of security interests in farm products.

Accordingly, it is the intent of the legislature to promote the development of a central filing system as provided in 7 U.S.C. Sec. 1631 and to encourage private businesses to provide for expeditious discovery of liens and security interests in farm products.

NEW SECTION. Sec. 2. All of the provisions of Parts 1, 2, 3, and 5 of chapter 62A.9 RCW apply to security interests in farm products except RCW 62A.9-307. A farm products statement constitutes a financing statement for the purposes of the provisions of Parts 1, 2, 3, and 5 of chapter 62A.9 RCW. Part 4 of chapter 62A.9 RCW does not apply to security interests in farm products.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this part.

(1) "Buyer of farm products" means any person, who buys farm products in the ordinary course of business from a person engaged in farming operations who is in the business of selling farm products.

(2) "Commission merchant" means any person engaged in the business of receiving any farm product for sale, on commission, or for or on behalf of another person.

(3) "Farm products" means crops or livestock or supplies used or produced in farming operations or products of crops or livestock in their unmanufactured states, such as ginned cotton, wool-clip, maple syrup, milk and eggs, which are in the possession of an obligor engaged in raising, fattening, grazing, or other farming operations.

(4) "Obligor" means a debtor as defined in RCW 62A.9-105(d), a seller of farm products pursuant to a purchase and sale contract, or a person subject to a statutory lien.

(5) "Purchase and sale agreement" means a written agreement by which a seller of farm products agrees to sell and a buyer agrees to purchase certain farm products. Such a purchase and sale agreement creates a contract interest in the described farm products between the obligor and the buyer of farm products, whether or not money is advanced to the seller by the buyer.

(6) "Security agreement" means an agreement which creates or provides for a security interest, which may be perfected by the filing of a farm products statement.

(7) "Secured party" means a lender, seller, or other person in whose favor there is a security interest in farm products.

(8) "Selling agent" means any person, other than a commission merchant, who is engaged in the business of negotiating the sale and purchase of any farm product on behalf of a person engaged in farming operations.

NEW SECTION. Sec. 4. (1) In order to perfect a security interest in farm products, a secured party or a statutory lien claimant under chapters 60.11 and 60.13 RCW, must file a farm products statement in the office of the department of licensing. In order to perfect a contract interest in farm products, a buyer of farm products must file a farm products statement in the office of the department of licensing.

(2)(a) Except as provided in (b) of this subsection, a farm products statement is filed when the department of licensing has received the farm products statement, the

appropriate filing fee has been tendered, and the farm products statement is entered into the central filing system.

(b) Any party who is registered with the department of licensing may give the department of licensing verbal notice of intent to file a farm products statement by telephone. The department shall log the notice of intent to file in the central filing system and provide the registrant telephoning a log-in number. If the person calling in files a farm products statement in the department containing the log-in number within three business days, excluding weekends and holidays, of the telephonic notice of intent to file, the filed farm products statement shall relate back to the date and time the notice of intent to file was logged in. If the person calling fails to file a farm products statement with the required information within the time period specified, any subsequent farm products statement shall be effective when filed but shall not relate back in time to the telephonic notice of intent to file.

(3) The farm products statement must include the following information:

(a) The name and address of the obligor;

(b) The obligor's signature;

(c) The name, address, and signature of the secured party;

(d) The social security number of the obligor or, in the case of an obligor doing business other than as an individual, the obligor's federal internal revenue service taxpayer identification number;

(e) A description by category, as prescribed by rule under section 13 of this act, of the farm products subject to the security interest or contract interest including the amount of such products if applicable; and

(f) A reasonable description of the real estate where the farm products are produced. This provision may be satisfied by a designation of the county or counties, and a legal description shall not be required.

If a statutory lien claim is being filed, the farm products statement shall include the additional information required by chapters 60.11 and 60.13 RCW.

(4) A farm products statement must be amended in writing within three months, and similarly signed and filed, to reflect any material changes, including assignment of the security interest or contract interest. In this Article, unless the context otherwise requires, the term "farm products statement" means the original farm products statement and any amendments.

(5) A farm products statement may be filed before a security agreement or purchase and sale agreement is made or a security interest or contract interest otherwise attaches. A copy of the security agreement or purchase and sale agreement is sufficient as a farm products statement if it contains the above information and is signed by the obligor. A carbon, photographic, or other reproduction of a security agreement, purchase and sale agreement, or a farm products statement is sufficient as a farm products statement if the security agreement or purchase and sale agreement so provides or if the original has been filed in this state.

(6) A farm products statement which otherwise complies with subsection (1) of this section is sufficient when it is signed by the secured party or buyer of farm products instead of the obligor, if it is filed to perfect a security interest or contract interest in:

(a) Collateral already subject to a security interest in another jurisdiction when it is brought into this state or when the obligor's location is changed to this state. Such a farm products statement must state that the collateral was brought into this state or that the obligor's location was changed to this state under such circumstances; or

(b) Proceeds under RCW 62A.9-306 if the security interest or contract interest in the original collateral was perfected. Such a farm products statement must describe the original collateral; or

(c) Collateral as to which the filing has lapsed; or

(d) Collateral acquired after a change of name, identity, or corporate structure of the obligor.

(7) A farm products statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

NEW SECTION. Sec. 5. A secured party with a previously filed financing statement or statutory lien claim covering farm products is required to file a farm products statement. The secured party may, at its option, reference the previously filed financing statement or statutory lien claim on the farm products statement and the signature of the debtor/obligor on the previously filed statement or lien claim shall constitute compliance with the obligor signature requirement under section 4(3)(b) of this act. The priority of the filing of the farm products statement shall relate back to the filing date of the previously filed financing statement or statutory lien claim, for the purposes of determining priority against other farm products statements filings made under this section. The secured party with a previously filed financing statement or statutory lien claim covering farm products may file its farm products statement anytime during a thirty-day time period preceding the implementation of the central filing system.

NEW SECTION. Sec. 6. (1) Except as provided in subsection (2) of this section, conflicting security interests and contract interests in farm products created by farm products statements rank according to priority in time of filing.

(2) The priorities set forth in chapter 60.11 RCW regarding crop liens and in chapter 60.13 RCW regarding processor and preparer liens shall govern the priorities regarding security interests and contract interests in farm products where applicable.

(3) A buyer of farm products, buys and takes free of a security interest created by his or her seller, and a commission merchant or selling agent who in the ordinary course of business sells farm products for a person engaged in farming operations buys, takes, and sells free of a security interest created by his or her seller, even though the security interest is perfected and the buyer, commission merchant, or selling agent knows of the existence of such interest if, prior to the purchase of farm products:

(a) The buyer, commission merchant, or selling agent has registered with the department of licensing under section 12 of this act, and:

(i) The secured party has not filed a farm products statement with the department of licensing under section 4 of this act; or

(ii) The department of licensing fails to disclose a filed farm products statement in its distribution of master lists or response to inquiry from such buyer, commission merchant, or selling agent; or

(iii) The buyer, commission merchant, or selling agent has filed a farm products statement before the secured party has filed a farm products statement; or

(b) The buyer of farm products, commission merchant, or selling agent has not received from the secured party or seller, within one year before the sale of the farm products or before the filing of a farm products statement by the buyer of farm products, commission merchant, or selling agent, written notice of the security interest containing:

(i) The name and address of the secured party;

(ii) The name and address of the obligor;

(iii) The social security number of the obligor or, in the case of an obligor doing business other than as an individual, the obligor's federal internal revenue service taxpayer identification number;

(iv) A description by category of the farm products subject to the security interest, including the amount of such products, if applicable;

(v) The crop year;

(vi) The county or counties where the farm products are produced and, if less than all of such farm products in a county are claimed, a reasonable description of the real property; and

(vii) Any payment obligations imposed by the secured party as a condition for waiver or release of the security interest; or

(c) The buyer, commission merchant, or selling agent has obtained a waiver from the secured party by performing any payment obligation or otherwise.

NEW SECTION. Sec. 7. (1) A filed farm products statement is effective for a period of five years from the date of filing unless a shorter time period is elected by the person filing the statement. A person electing a shorter time period shall indicate the time period of effectiveness on the farm products statement and the statement shall automatically terminate upon expiration of the time period elected. If the person filing the statement fails to make an election, the filing party is required to file a termination statement under section 8 of this act if they wish to terminate the statement prior to the expiration of the five-year period. The effectiveness of a filed farm products statement lapses on the expiration of the applicable time period, unless a continuation statement is filed prior to the lapse.

(2) A continuation statement may be filed by the secured party or buyer of farm products regarding a farm products statement within six months prior to the expiration of the five-year or other applicable time period specified in subsection (1) of this section. Any such continuation statement must be signed by the secured party or buyer of farm products, must identify the original statement by file number, and must state that the original statement is still effective.

(3) Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for the same time period as the original statement, from the date it would have expired whereupon it lapses in the same manner as provided in subsection (1) of this section unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement.

(4) If a filed farm products statement exists at the time insolvency proceedings are commenced by or against the obligor, the farm products statement remains in effect until termination of the insolvency proceedings and thereafter for a period of sixty days, or until expiration of the applicable time period, whichever occurs later.

(5) Upon lapse of the farm products statement, the security interest or contract interest in the farm products becomes unperfected and the farm products statement is void and of no further force and effect. If the security interest or contract interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

NEW SECTION. Sec. 8. (1) A secured party or buyer of farm products is required to file a termination statement with the department of licensing whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations, or otherwise give value. The termination statement must provide that the secured party or buyer of farm products no longer claims a security interest or contract interest under the farm products statement, which shall be identified by file number.

(2) If a secured party or a buyer of farm products who has filed a farm products statement fails to file a termination statement regarding that farm products statement as required under subsection (1) of this section, the obligor may demand in writing that the secured party or buyer of farm products file a termination statement. If a secured party or buyer of farm products fails to file the termination statement within ten days of demand by the obligor, then the secured party or buyer of farm products shall be liable to the obligor for the sum of one hundred dollars plus an additional one hundred dollars per day for each day of delay without reasonable excuse between the date the termination statement should have been filed and the date it is filed, plus compensation for any loss caused to the obligor by the failure.

NEW SECTION. Sec. 9. A secured party or buyer of farm products of record may by his or her signed statement release all or a part of any collateral described in a filed

farm products statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the obligor, the name and address of the secured party or buyer of farm products, and the file number of the farm products statement.

NEW SECTION. Sec. 10. (1) A farm products statement may disclose an assignment of a security interest or contract interest in the collateral described in the farm products statement by indication in the farm products statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement.

(2) A secured party or buyer of farm products may assign all or a part of his or her rights under a farm products statement by the filing in the department of licensing of an amended farm products statement providing the name and address of the assignee as the secured party or buyer of farm products in addition to the other information required in a farm products statement.

(3) After the disclosure or filing of an amended farm products statement under this section, the assignee shall be the secured party or buyer of farm products of record.

NEW SECTION. Sec. 11. (1) The risk of loss caused by an error falls on the party committing the error. If a secured party or buyer of farm products fails to properly complete or file a farm products statement, the secured party or buyer of farm products bears the loss. If a buyer of farm products, commission merchant, or selling agent fails to provide the department of licensing with the correct information regarding the obligor or fails to observe farm products statements properly disclosed to them, the buyer of farm products, commission merchant, or selling agent bears the loss. If the department of licensing fails to properly file or disclose a farm products statement, the department is liable for any losses or damages incurred as a result of such action or inaction.

(2) If an obligor signs a farm products statement which contains an erroneous obligor name, social security number, tax identification number, or departmental number, the obligor will be liable for all losses or damages incurred as a result of the erroneous information; the obligor will be presumed to have committed fraud; and the obligor's liability shall be nondischargeable in bankruptcy.

NEW SECTION. Sec. 12. (1) The department of licensing shall develop and implement a central filing system containing the information filed with it pursuant to section 4(3) of this act. Under this system, the department shall record the date and time of filing and compile the information into a master list:

(a) That is capable of being reported according to categories of farm products, further subdivided in the following ways:

(i) In alphabetical order according to the last name of the individual obligors, or, in the case of obligors doing business other than as individuals, the first word not an article in the name of such obligors; and

(ii) In numerical order according to the social security number of the individual obligors or, in the case of obligors doing business other than as individuals, the internal revenue service taxpayer identification number of such obligors; and

(iii) Geographically by county; and

(iv) By crop year; and

(b) That is capable of being reported by a departmental numbering system which shall be cross-referenced with the social security number, the tax identification number, and the name of the obligor.

(2) The department of licensing shall maintain a list of all buyers of farm products, commission merchants, selling agents, and other persons who register with the department on a form indicating:

(a) The name and address of each buyer, commission merchant, and selling agent;

(b) The interest of each buyer, commission merchant, and selling agent in receiving the lists described in subsection (3) of this section; and

(c) The farm products in which each buyer, commission merchant, and selling agent has an interest.

(3) The department of licensing shall distribute periodically to each registrant who subscribes to the service, a copy in written or printed form of those portions of the master lists that cover the farm products in which such buyer, commission merchant, or selling agent has registered an interest.

(4) The information described in subsection (1) of this section shall be made available to registrants through electronic data transmission.

(5) The information described in subsection (1) of this section shall be made available to registrants through a toll-free telephone line.

(6) Upon the request of any person, the department of licensing shall orally provide the information described in subsection (1) of this section, followed by a written confirmation to be mailed within twenty-four hours after the telephone call.

(7) Upon the request of any person, the department shall furnish copies of particular filed farm products statements if the requestor provides the department with the file numbers of the statement to be copied.

(8) The department shall mark each farm products statement, termination statement, and statement of release with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy of the statement for public inspection. The original statement may be destroyed at any time after a microfilm or other photographic copy is made of the original statement. This microfilm or other photographic copy shall thereafter be treated as if it were the original filing for all purposes. The original, microfilm, or photographic record of any lapsed farm product statement shall not be destroyed earlier than one year after the lapse of such statement.

NEW SECTION. Sec. 13. The department of licensing shall:

(1) Apply for certification of the farm products central filing system from the United States department of agriculture on or before September 30, 1991;

(2) Fully implement the farm products central filing system as provided in this part;

(3) Develop a proposed fee schedule for filing farm products statements, registration of interested parties with the department, and regular distribution, electronic transmission, or other transmission of the information described in section 12 of this act. The fees established must be set in a sufficient amount to recover the initial request appropriation within three years after the appropriation is made. The annual fee for registering with the department of licensing shall not exceed fifty dollars. There shall be no fee for filing a termination statement. The actual fee schedule must be adopted by the legislature during the 1992 legislative session;

(4) Have the authority under chapter 34.05 RCW to adopt rules necessary to implement this part, including:

(a) Designation of the categories of farm products to be used in compiling the master list;

(b) Distribution of the master lists to registrants; and

(c) Implementation of the operating farm products central filing system;

(5) Assist buyers, commission merchants, selling agents, and other persons by initially providing field training sessions or written instruction on the utilization of the central filing system created by this part; and

(6) Study the following issues:

(a) The feasibility of including all farm products liens, statutory or otherwise, in the farm products central filing system; and

(b) The impact of (a) of this subsection on proposed fees for central filing.

NEW SECTION. Sec. 14. The central filing system program fund is created in the custody of the state treasurer. All receipts from the fees collected by the director under this part shall be deposited into the fund. Expenditures from the fund may be used only for the purposes of sections 1 through 13 of this act. Only the director of licensing or the

director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 15. Sections 1 through 14 of this act are each added to chapter 62A.9 RCW as Part 6 under the subchapter heading "farm products liens.

Sec. 16. RCW 60.11.040 and 1989 c 229 s 1 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section with respect to the lien of a landlord, any lien holder must after the commencement of delivery of such supplies and/or of provision of such services, but before the completion of the harvest of the crops for which the lien is claimed, or in the case of a lien for furnishing work or labor within twenty days after the cessation of the work or labor for which the lien is claimed: (a) File a farm products statement evidencing the lien with the department of licensing; and (b) if the lien holder is to be allowed costs, disbursements, and attorneys' fees, mail a copy of such statement to the last known address of the debtor by certified mail, return receipt requested, within ten days.

(2) The statement shall be in writing, signed by the claimant, and shall contain in substance the following information:

- (a) The name and address of the claimant;
- (b) The name and address of the debtor;
- (c) The date of commencement of performance for which the lien is claimed;
- (d) A description of the labor services, materials, or supplies furnished;
- (e) A description of the crop and its location to be charged with the lien sufficient for identification; and
- (f) The signature of the claimant.

(3) The department of licensing may by rule prescribe standard filing forms, fees, and uniform procedures for filing with, and obtaining information from, filing officers (~~including provisions for filing crop liens together with financing statements filed pursuant to RCW 62A.9 401 so that one request will reveal all filed crop liens and security interests~~).

(4) Any landlord claiming a lien under this chapter for rent shall file a statement evidencing the lien with the department of licensing. A lien for rent claimed by a landlord pursuant to this chapter shall be effective during the term of the lease for a period of up to five years. A landlord lien covering a lease term longer than five years may be refiled in accordance with RCW 60.11.050(4). A landlord who has a right to a share of the crop may place suppliers on notice by filing evidence of such interest in the same manner as provided for filing a landlord's lien.

Sec. 17. RCW 60.13.040 and 1987 c 189 s 7 and 1987 c 148 s 3 are each reenacted and amended to read as follows:

(1) A producer or commercial fisherman claiming a processor or preparer lien may file a farm products statement evidencing the lien with the department of licensing after payment from the processor, conditioner, or preparer to the producer or fisherman is due and remains unpaid. For purposes of this subsection and RCW 60.13.050, payment is due on the date specified in the contract, or if not specified, then within thirty days from time of delivery.

(2) The statement shall be in writing, verified by the producer or fisherman, and shall contain in substance the following information:

- (a) A true statement of the amount demanded after deducting all credits and offsets;
- (b) The name of the processor, conditioner, or preparer who received the agricultural product or fish to be charged with the lien;
- (c) A description sufficient to identify the agricultural product or fish to be charged with the lien;
- (d) A statement that the amount claimed is a true and bona fide existing debt as of the date of the filing of the notice evidencing the lien;

(e) The date on which payment was due for the agricultural product or fish to be charged with the lien; and

(f) The department of licensing may by rule prescribe standard filing forms, fees, and uniform procedures for filing with, and obtaining information from, filing officers.

NEW SECTION. Sec. 18. The department of licensing shall report to the legislature in December 1991 and December 1992 as to the implementation, operation, and certification of the central filing system. The report shall be directed to the judiciary and agriculture committees of the house of representatives and the law and justice and agriculture committees of the senate.

NEW SECTION. Sec. 19. The effectiveness of sections 2 through 12 and 14 through 17 of this act is contingent on certification of the central filing system by the United States department of agriculture. Sections 2 through 12 and 14 through 17 of this act shall take effect July 1, 1992, if the central filing system has been certified by May 1, 1992. If certification is not received by May 1, 1992, but is received by May 1, 1993, sections 2 through 12 and 14 through 17 of this act shall take effect July 1, 1993.

NEW SECTION. Sec. 20. Sections 1, 13, and 18 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

The director of licensing may immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 21. This act may be cited as the Washington farm products central filing act.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Representatives Appelwick, Nealey and Paris spoke in favor of adoption of the amendment, and it was adopted.

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

With consent of the House, the following amendment by Representative Appelwick to the title was adopted:

On page 1, line 1 of the title, after "crops;" strike the remainder of the title and insert "amending RCW 60.11.040; reenacting and amending RCW 60.13.040; adding new sections to chapter 62A.9 RCW; creating new sections; providing a contingent effective date; providing an effective date; and declaring an emergency."

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2086, and the bill passed the House by the following vote: Yeas - 89, Nays - 9, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R.,

Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Miller, Morris, Moyer, Myers, H., Nealey, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Beck, Bowman, Brumsickle, Fuhrman, McLean, Mitchell, Morton, Neher, Silver - 09.

Engrossed Substitute House Bill No. 2086, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2093, by Representatives Locke, Miller, Anderson, Hine, Ferguson, Brough and Valle

Modifying authorized uses of the excise tax on lodgings.

The bill was read the second time.

Mr. Locke moved adoption of the following amendment by Representatives Locke and Miller:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 67.28.180 and 1987 c 483 s 1 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of subsection (a), to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time, and maturing before January 1, 2013, pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In class AA counties, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement

projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in counties other than class AA counties, for county-owned facilities for agricultural promotion.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) From January 1, 1992, through December 31, 2000, taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars and not exceeding the limits specified in this subsection (3) shall only be used for art (~~museums,~~) and cultural museums, the arts, (~~and/or~~) and the performing arts.

((b)) (i) For the calendar year ending December 31, 1992, the limit is \$828,000.

(ii) For the calendar year ending December 31, 1993, the limit is \$1,318,000.

(iii) For the calendar year ending December 31, 1994, the limit is \$1,848,000.

(iv) For the calendar year ending December 31, 1995, the limit is \$2,420,000.

(v) For the calendar year ending December 31, 1996, the limit is \$3,037,000.

(vi) For the calendar year ending December 31, 1997, the limit is \$3,704,000.

(vii) For the calendar year ending December 31, 1998, the limit is \$4,424,000.

(viii) For the calendar year ending December 31, 1999, the limit is \$5,202,000.

(ix) For the calendar year ending December 31, 2000, the limit is \$6,042,000.

(b) From January 1, 1992, through December 31, 2000, taxes collected under this section in any calendar year in excess of the limits specified in (a)(i) through (ix) of this subsection shall be distributed as follows:

(i) Fifty percent to art and cultural museums, the arts, and the performing arts.

(ii) Fifty percent to one or more of the following: Stadium capital improvement projects, as defined in subsection (2)(b) of this section, tourism promotion that is intended to attract visitors for overnight stays, or promotion of professional, amateur, and recreational sports activities. The legislative body of the county levying the tax in this section shall direct a portion of any moneys used for tourism and lodging promotion to benefit areas of the county outside of any city with a population greater than five hundred thousand.

(c) At least seventy percent of moneys spent under subsections (3)(a) and (3)(b)(i) of this section shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, and cultural facilities, and for the purchase of fixed assets that will benefit art and cultural organizations. For purposes of this subsection, fixed

assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Arts organizations receiving moneys under this subsection must be financially stable and have at least the following:

(i) A legally constituted and working board of directors;

(ii) A record of artistic and cultural accomplishments;

(iii) Been in existence and operating for at least two years;

(iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;

(v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and

(vi) Evidence that there has been independent financial review of the organization.

(d) From January 1, 2001, through December 31, 2012, taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars and not exceeding eleven million three hundred forty-two thousand dollars shall be used only for art and cultural museums, the arts, and the performing arts.

(e) From January 1, 2001, through December 31, 2012, taxes collected under this section in any calendar year in excess of eleven million three hundred forty-two thousand dollars shall be distributed as follows:

(i) Sixty percent to art and cultural museums, the arts, and the performing arts.

(ii) Forty percent to one or more of the following: Stadium capital improvement projects, as defined in subsection (2)(b) of this section, tourism promotion that is intended to attract visitors for overnight stays, or promotion of professional, amateur, and recreational sports activities. The legislative body of the county levying the tax in this section shall direct a portion of any moneys used for tourism and lodging promotion to benefit areas of the county outside of any city with a population greater than five hundred thousand.

(f) At least forty percent of the revenues distributed pursuant to subsections (3)(d) and (3)(e)(i) of this section shall be deposited in an account and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible. The earnings from investments of balances in the account may only be used for the purposes of subsections (3)(d) and (3)(e)(i) of this section.

(g) Moneys distributed to art and cultural museums, the arts, and performing arts shall be in addition to and may not be used to replace or supplant any other arts or cultural funding by the legislative body of the county.

(h) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

((e)) (i) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

((d)) (j) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

((e)) (k) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local

government. This subsection (3)((~~e~~)) (k) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

NEW SECTION. Sec. 2. This act shall take effect January 1, 1992.

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

On page 4, line 18 of the amendment, after "stays," strike "or promotion of professional, amateur, and recreational sports activities" and insert "recreational sports activities, or promotion of professional and amateur sports"

On page 5, line 26 of the amendment, after "stays," strike "or promotion of professional, amateur, and recreational sports activities" and insert "recreational sports activities, or promotion of professional and amateur sports"

Representatives Appelwick, Locke, Miller and Ferguson spoke in favor of adoption of the amendments to the amendment, and they were adopted.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be adoption of the amendment by Representatives Locke and Miller as amended.

Representatives Locke, Miller, Hine and Ferguson spoke in favor of adoption of the amendment as amended, and it was adopted.

The Speaker resumed the Chair.

With consent of the House, the following amendment by Representatives Locke and Miller to the title was adopted:

On page 1, line 4 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 67.28.180; and providing an effective date."

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2093, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R.,

Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 2093, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2115, by Representatives Nelson, Wineberry and Holland

Providing financial assistance for first-time home buyers.

The bill was read the second time.

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

Mr. Nelson spoke in favor of passage of the bill, and Ms. Winsley spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2115, and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Wood, Wynne, Zellinsky, and Mr. Speaker - 62.

Voting nay: Representatives Ballard, Basich, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Former, Fuhrman, Hochstatter, Holland, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley - 36.

House Bill No. 2115, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

My intent was to vote "no" on final passage of House Bill No. 2115.

JIM HORN, 42nd District.

My intention was to vote "no" on final passage of House Bill No. 2115.
JOHN C. WYNNE, District 39A.

HOUSE BILL NO. 2154, by Representative Appelwick

Changing provisions relating to domestic relations.

The bill was read the second time. On motion of Mr. Ludwig, Substitute House Bill No. 2154 was substituted for House Bill No. 2154, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2154 was read the second time.

Mr. Padden moved adoption of the following amendments by Representatives Padden and Appelwick:

On page 1, line 11, after "proceeding" strike "may" and insert "((may)) shall"

On page 1, line 13, after "resides." insert "Upon motion and hearing before the superior court of the county where the petitioner resides, the court may waive venue in that county for good cause shown."

On page 2, line 5, after "proceeding" strike "may" and insert "shall"

On page 2, line 6, after "resides." insert "Upon motion and hearing before the superior court of the county where the petitioner resides, the court may waive venue in that county for good cause shown."

POINT OF ORDER

Mr. Braddock: Mr. Speaker, I would like a ruling on scope and object of these amendments.

SPEAKER'S RULING

The Speaker: Representative Braddock, the Speaker has examined Substitute House Bill No. 2154 and the amendments. The bill clearly deals with child support and maintenance and venue thereof. The amendments deal with venue for divorce or separation proceedings. I find that your point is well taken. The amendments are outside the scope and object of the original bill.

The Clerk read the following amendments by Representatives Spanel, Appelwick, Forner and Belcher:

On page 2, line 24, after "circumstances." insert "The remarriage of the party receiving maintenance may be, but is not necessarily, considered to be such a change."

On page 3, beginning on line 3, after "either party" strike "or the remarriage of the party receiving maintenance" and insert "((~~or the remarriage of the party receiving maintenance~~))"

With consent of the House, Representative Spanel withdrew the amendments.

The Clerk read the following amendments by Representatives Spanel, Appelwick and Belcher:

On page 6, after line 10, insert the following:

Sec. 5. RCW 26.09.080 and 1989 c 375 s 5 are each amended to read as follows:

In a proceeding for dissolution of the marriage, legal separation, declaration of invalidity, or in a proceeding for disposition of property following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court shall, without regard to marital misconduct, make such disposition of the property and the liabilities of the parties, either community or separate, as shall appear just and equitable after considering all relevant factors including, but not limited to:

(1) The nature and extent of the community property;

(2) The nature and extent of the separate property;

(3) The duration of the marriage; ~~((and))~~

(4) The economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to a spouse with whom the children reside the majority of the time; and

(5) The past, present, and future earning or economic capacity of each spouse, including the earning or economic capacity of each spouse that was enhanced, diminished, or foregone during marriage.

Sec. 6. RCW 26.09.090 and 1989 c 375 s 6 are each amended to read as follows:

~~((1))~~ In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, or in a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, the court may grant a maintenance order for either spouse. The maintenance order shall be in such amounts and for such periods of time as the court deems just, without regard to marital misconduct, after considering all relevant factors including but not limited to:

~~((a))~~ (1) The financial resources of the party seeking maintenance, including separate or community property apportioned to ~~((him))~~ the party, and ~~((his))~~ the party's ability to meet his or her needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party;

~~((b))~~ (2) The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find employment appropriate to his or her skill, interests, style of life, and other attendant circumstances;

~~((c))~~ (3) The standard of living established during the marriage;

~~((d))~~ (4) The duration of the marriage;

~~((e))~~ (5) The age, physical and emotional condition, and financial obligations of the spouse seeking maintenance; ~~((and~~

~~((f))~~ (6) Past, present, and future earning or economic capacity of each spouse, including the earning or economic capacity of each spouse that was enhanced, diminished, or foregone during marriage;

(7) The standard of living each spouse will experience after dissolution of the marriage; and

(8) The ability of the spouse from whom maintenance is sought to meet his or her needs and financial obligations while meeting those of the spouse seeking maintenance.

With consent of the House, Representative Spanel withdrew the amendment.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2154, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2154, having received the constitutional majority, was declared passed.

HOUSE JOINT RESOLUTION NO. 4228, by Representatives Nelson, Wineberry and Holland

Amending the Constitution to allow financial assistance for first-time homebuyers.

The resolution was read the second time. On motion of Mr. Nelson, Substitute House Resolution No. 4228 was substituted for House Resolution No. 4228, and the substitute resolution was placed on the second reading calendar.

Substitute House Resolution No. 4228 was read the second time.

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

Mr. Nelson spoke in favor of passage of the resolution, and Ms. Winsley spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Resolution No. 4228, and the resolution failed to pass the House by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley,

Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 56.

Voting nay: Representatives Ballard, Basich, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Former, Fraser, Fuhrman, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 42.

Substitute House Joint Resolution No. 4228, having failed to receive the constitutional two-thirds majority, was declared lost.

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

THIRD READING

HOUSE BILL NO. 1279, by Representatives Heavey, Cole, R. King, Prentice, O'Brien, Jones, Leonard, Riley, Brekke and Basich

Revising provisions for unemployment compensation during labor disputes.

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

Representatives Heavey and Prentice spoke in favor of passage of the bill, and Mr. Fuhrman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1279, and the bill passed the House by the following vote: Yeas - 59, Nays - 37, Absent - 2, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Ebersole, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Silver, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 59.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Braddock, Broback, Brough, Brumsickle, Casada, Chandler, Dorn, Edmondson, Fuhrman, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Padden, Paris, Prince, Schmidt, Sheldon, Sommers, D., Tate, Vance, Van Luven, Wilson, Wood, Wynne - 37.

Absent: Representatives Rayburn, Winsley - 02.

House Bill No. 1279, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

My vote on final passage of House Bill No. 1279 should have been "no."
ELMIRA FORNER, 47th District.

It was my intention to vote "no" but I was recorded as "yes" on final passage of House Bill No. 1279.

J. BRUCE HOLLAND, 47th District.

I inadvertently pushed the wrong button on final passage of House Bill No. 1279 and voted "yes." I wanted to vote "no" on House Bill No. 1279.

JEAN SILVER, 5th District.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1335, by House Committee on Housing (originally sponsored by Representatives Nelson, Franklin, Ogden, Leonard, Wineberry, Mitchell, Winsley, Phillips, Jacobsen, Jones, Brekke, Spanel, Scott and Anderson)

Providing an energy assistance and conservation program for low-income households.

The House resumed consideration of Substitute House Bill No. 1335 on second reading. (For previous action, see Journal, 65th Day, March 19, 1991, Afternoon Session.)

Mr. Wang moved that the House do not adopt the committee amendment by Committee on Revenue. The motion was carried.

Mr. Nelson moved adoption of the following amendment by Representatives Nelson, H. Myers, Mitchell, Winsley and Silver:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.164.010 and 1987 c 36 s 1 are each amended to read as follows:

(1) The legislature finds and declares:

(a) The health, welfare, and prosperity of the people of the state of Washington require that all citizens receive essential levels of heat and electric service regardless of economic circumstance;

(b) That weatherization of the residences of low-income households will help conserve energy resources in this state and can reduce the need to obtain energy from more costly conventional energy resources(~~(-The legislature also finds)~~);

(c) That rising energy costs have had a negative effect on the affordability of housing for low-income citizens and have made it difficult for low-income citizens of the state to afford adequate fuel for residential space heat(-);

(d) Weatherization of residences will lower energy consumption, making space heat more affordable for persons in low-income households(~~(-It)~~), and will ((also)) reduce the

uncollectible accounts of fuel suppliers resulting from low-income customers not being able to pay fuel bills;

(e) That the best time to make energy conservation improvements to existing residential dwellings is during rehabilitation;

(f) That energy conservation is an important component of housing affordability;
and

(g) That the public interest is served by the health and welfare of low-income persons benefited by a substantial increase in the pace of weatherizing low-income homes.

(2) The legislature declares that it is the policy of the state:

(a) To increase the pace of weatherization activities by requiring energy suppliers to have low-income weatherization programs and by improving financial incentives for regulated utilities toward this end;

(b) That energy conservation improvements through the retrofit of existing residential dwellings shall be coordinated with rehabilitation activities funded with state resources or resources administered through the state; and

(c) To weatherize at least one-half of the existing low-income households in the state by the year 2000.

(3) The program implementing the policy of this chapter is necessary to support the poor and infirm and also to benefit the health, safety, and general welfare of all citizens of the state.

Sec. 2. RCW 70.164.020 and 1987 c 36 s 2 are each amended to read as follows:

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

(1) "Department" means the department of community development.

(2) "Energy assessment" means an analysis of a dwelling unit to determine the need for cost-effective energy conservation measures as determined by the department.

(3) "Energy supplier" means an electric utility or natural gas utility, whether privately or publicly owned, a heating oil dealer, or a propane dealer.

(4) "Heating oil dealer" means a person who supplies fuel oil at retail for space heating of dwellings.

(5) "Household" means an individual or group of individuals living in a dwelling unit as defined by the department.

~~((4))~~ (6) "Low income" means household income that is at or below one hundred twenty-five percent of the federally established poverty level.

~~((5))~~ (7) "Nonutility sponsor" means any sponsor other than a public service company, municipality, public utility district, mutual or cooperative, furnishing gas or electricity used to heat low-income residences.

~~((6))~~ (8) "Propane dealer" means a person who supplies liquefied petroleum gas at retail for space heating of dwellings.

(9) "Residence" means a dwelling unit as defined by the department.

~~((7))~~ (10) "Sponsor" means any entity that submits a proposal under RCW 70.164.040, including but not limited to any local community action agency, community service agency, or any other participating agency or any public service company, municipality, public utility district, mutual or cooperative, or any combination of such entities that jointly submit((s)) a proposal.

~~((8))~~ (11) "Sponsor match" means the share, if any, of the cost of weatherization to be paid by the sponsor.

~~((9))~~ (12) "Weatherization" means materials or measures, and their installation, that are used to improve the thermal efficiency of a residence, including educational programs to enable residents to make best use of materials or measures.

~~((10))~~ (13) "Weatherizing agency" means any approved department grantee or any public service company, municipality, public utility district, mutual or cooperative, or

other entity that bears the responsibility for ensuring the performance of weatherization of residences under this chapter and has been approved by the department.

NEW SECTION. Sec. 3. A new section is added to chapter 70.164 RCW to read as follows:

(1) Energy suppliers either individually or jointly through a common fund or otherwise by December 31, 1991, shall submit a plan to the department to complete weatherization of one-half of the residences of their low-income customers by the year 2001. The residences to be included in the plan are all low-income households in existence on the effective date of this section.

(2) Before submitting a weatherization plan required under this section, the energy supplier shall make the proposed plan available to its customers, public agencies, and other interested parties for a thirty day review and comment period. The energy supplier shall consider any comments or views on the proposed weatherization plan. A summary of these comments or views must be attached to the plan and submitted to the department.

(3) The department shall review and comment on weatherization plans required under subsection (1) of this section. After an energy supplier's weatherization plan has been reviewed by the department, the department shall transmit the plan from energy suppliers regulated by the utilities and transportation commission and any written comments to the utilities and transportation commission.

(4) By December 31, 1992, and every year thereafter until December 31, 2001, energy suppliers shall annually review and report, in a form prescribed by the department, on the progress the energy supplier has made in carrying out its weatherization plan. This progress report must include an evaluation of the energy supplier's progress in meeting its goal of weatherizing one-half of the low-income residences in their service area by the year 2001. The report must also include information on the number and type of households served, the level of weatherization assistance per household, and energy education efforts by the energy supplier.

NEW SECTION. Sec. 4. A new section is added to chapter 70.164 RCW to read as follows:

The department shall develop model energy education programs to be provided as a part of the department's energy assistance and weatherization programs. The model energy education programs shall include, but is not limited to necessary instruction and demonstration of energy conservation measures and money management techniques that the household can adopt to effectively use and preserve energy resources. The model energy education programs shall also provide written educational materials, instructional aids, and follow-up procedures.

NEW SECTION. Sec. 5. A new section is added to chapter 70.164 RCW to read as follows:

The director of the department of community development, by January 1 of each year, shall prepare an annual report and send copies to the house of representatives committee on housing and energy and utilities committee and the senate committee on energy and utilities on the progress and status of the low-income weatherization programs authorized in this act. Such report shall include, but not be limited to, the stated low-income weatherization goals of energy suppliers, the actual number of low-income residences weatherized by energy suppliers, the source of funding for low-income weatherization activities under this act, and recommendations for improvement of the programs authorized under this act.

NEW SECTION. Sec. 6. A new section is added to chapter 80.28 RCW to read as follows:

The commission shall require that electrical and gas company low-income residence weatherization programs include all energy efficiency measures that are in the public interest, taking into account the measures that are cost-effective in reference to the company's avoided cost for additional energy supplies, the savings for all ratepayers that

can be realized by reducing costs associated with uncollectible accounts, and levels of weatherization for low-income residences determined in consultation with the department of community development.

NEW SECTION. Sec. 7. A new section is added to chapter 80.28 RCW to read as follows:

Each electrical and gas company shall file an energy conservation tariff, including a component applicable to low-income residential customers, with the commission by December 31, 1991, and at least every five years thereafter until the year 2011. The filing shall include all energy conservation tariffs in effect at the time of filing and any proposed conservation tariff. Conservation tariffs shall reflect low-income weatherization plans required by section 3 of this act.

Sec. 8. RCW 80.28.260 and 1990 c 2 s 9 are each amended to read as follows:

(1) The commission shall adopt a policy allowing an incentive rate of return on investment (a) for payments made under RCW 19.27A.035 and (b) for programs that improve the efficiency of energy end use if priority is given to senior citizens and low-income citizens in the course of carrying out such programs. The incentive rate of return on investments set forth in this subsection is established by adding an increment of two percent to the rate of return on common equity permitted on the company's other investments.

(2) The commission shall consider and may adopt a policy allowing an incentive rate of return on investment in additional programs to improve the efficiency of energy end use or other incentive policies to encourage utility investment in such programs.

(3) The commission shall consider and may adopt other policies to protect a company from a reduction of short-term earnings that may be a direct result of utility programs to increase the efficiency of energy use. These policies may include allowing a periodic rate adjustment for investments in end use efficiency or allowing changes in price structure designed to produce additional new revenue and encourage adoption of least cost planning and operation.

(4) The commission may adopt a policy allowing the recovery of a utility's expenses incurred under RCW 19.27A.055.

NEW SECTION. Sec. 9. A new section is added to chapter 54.04 RCW to read as follows:

Public utility districts shall provide low-income residence weatherization programs that include all energy efficiency measures that are in the public interest, taking into account the measures that are cost-effective in reference to the company's avoided cost for additional energy supplies, the savings for all ratepayers that can be realized by reducing costs associated with uncollectible accounts, and levels of weatherization for low-income residences determined in consultation with the department of community development.

NEW SECTION. Sec. 10. A new section is added to chapter 35.92 RCW to read as follows:

Municipal owned utility companies shall provide low-income residence weatherization programs that include all energy efficiency measures that are in the public interest, taking into account the measures that are cost-effective in reference to the company's avoided cost for additional energy supplies, the savings for all ratepayers that can be realized by reducing costs associated with uncollectible accounts, and levels of weatherization for low-income residences determined in consultation with the department of community development.

NEW SECTION. Sec. 11. A new section is added to chapter 23.86 RCW to read as follows:

An electric cooperative or mutual shall provide low-income residence weatherization programs that include all energy efficiency measures that are in the public interest, taking into account the measures that are cost-effective in reference to the company's avoided

cost for additional energy supplies, the savings for all ratepayers that can be realized by reducing costs associated with uncollectible accounts, and levels of weatherization for low-income residences determined in consultation with the department of community development.

NEW SECTION. Sec. 12. A new section is added to chapter 43.63A RCW to read as follows:

The department shall require applicants requesting assistance to rehabilitate either single-family or multifamily residential dwellings to coordinate available energy conservation assistance with rehabilitation activities funded through the Washington housing trust fund under chapter 43.185 RCW and the community development block grant program for states and small cities under the Title I housing and community development act of 1974 (42 U.S.C. 5301 et seq.).

NEW SECTION. Sec. 13. A new section is added to chapter 43.21F RCW to read as follows:

The office, in consultation with the department of community development, may prepare proposals to sell low-income conservation to utilities.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Representatives Nelson and Mitchell spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, beginning on line 1 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 70.164.010, 70.164.020, 80.28.260; adding new sections to chapter 70.164 RCW; adding new sections to chapter 80.28 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 23.86 RCW; adding a new section to chapter 43.63A RCW; and adding a new section to chapter 43.21F RCW."

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1335, and the bill passed the House by the following vote: Yeas - 58, Nays - 40, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Dellwo, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Mitchell, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Roland, Rust, Schmidt, Sommers, D., Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 58.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Cooper, Day, Dorn, Edmondson, Ferguson, Forner, Fuhman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Meyers, R.,

Mielke, Miller, Morton, Moyer, Nealey, Orr, Padden, Prince, Riley, Scott, Sheldon, Silver, Tate, Vance, Van Luven, Wynne - 40.

Engrossed Substitute House Bill No. 1335, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1924 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1924, by Representatives Grant, Belcher, Rasmussen, Ludwig, Bray, Rayburn and Inslee

Regulating motor fuel marketing.

The bill was read the second time. On motion of Mr. Grant, Substitute House Bill No. 1924 was substituted for House Bill No. 1924, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1924 was read the second time.

Mr. Grant moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that the distribution and sale of motor vehicle fuels in the state of Washington vitally affects the general economy of the state, the public interest, and the public welfare. The legislature further finds that there is public concern over whether there is effective competition in the motor vehicle fuels marketplace and whether there is fairness in the pricing and distribution of motor vehicle fuels in the state. A factor in the public concern is variations in motor vehicle fuel prices that appear to be unrelated to comparative marketing costs.

NEW SECTION. Sec. 2. (1) The joint select committee on motor vehicle fuels marketing is created and shall consist of ten members, three from the majority party and two from the minority party, from each of the senate and the house of representatives. There shall be cochairs, and the president of the senate shall appoint the senate members and senate chair, and the speaker of the house of representatives shall appoint the house members and house of representatives chair.

(2) The staffs of the senate and house of representatives committees on energy and utilities and transportation shall provide staff support for the joint select committee. State agencies, including the departments of transportation and ecology, the state energy office, and the attorney general, shall provide information as requested by the joint select committee. The joint select committee has the power of subpoena.

NEW SECTION. Sec. 3. (1) The joint select committee shall investigate motor vehicle fuels pricing and distribution in the state of Washington. In particular, the joint select committee shall compare, over a length of time and at various locations around the state, the prices charged by oil companies as follows: Retail motor vehicle fuel prices charged by oil company-owned and operated gas stations and wholesale prices charged by oil companies for motor vehicle fuel sold to independent gas station operators and to independent wholesale distributors of motor vehicle fuel. For consistency in the comparison, the marketing costs of company-owned and operated gas stations, independent gas stations, and independent wholesale distributors shall be investigated.

(2) The joint select committee shall determine whether there is discrimination by oil companies in the distribution of motor vehicle fuel. Also, the joint select committee shall determine whether there is unfair motor vehicle fuel pricing resulting in lessening of competition in the motor vehicle fuel marketplace. In particular, oil company marketing practices shall be evaluated as to whether they make it more difficult for small business operators to enter, remain in, or expand their business in the motor vehicle fuels marketplace.

NEW SECTION. Sec. 4. The joint select committee shall report its findings, including legislative recommendations, if any, to the senate and house of representatives committees on energy and utilities by December 1, 1991. This act expires June 30, 1992."

Representatives Grant and Jones spoke in favor of adoption of the amendment, and Representatives Miller, May and Ferguson spoke against it. The amendment was adopted.

With consent of the House, the following amendment by Representative Grant to the title was adopted:

In line 1 of the title, after "fuels;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1924, and the bill passed the House by the following vote: Yeas - 65, Nays - 32, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Braddock, Bray, Brekke, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Ebersole, Edmondson, Fisher, G., Fisher, R., Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Hine, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, Mitchell, Morris, Morton, Myers, H., Neher, Nelson, Ogden, Orr, Peery, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wilson, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Ballard, Betrozoff, Bowman, Broback, Brumsickle, Casada, Chandler, Dorn, Ferguson, Forner, Heavey, Hochstatter, Holland, Horn, May, McLean, Meyers, R., Mielke, Miller, Moyer, Nealey, Padden, Paris, Phillips, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wynne - 32.

Absent: Representative O'Brien - 01.

Engrossed Substitute House Bill No. 1924, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1952 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1952, by Representatives Rasmussen, R. King, Cole, Ferguson, Leonard, Holland, G. Fisher, Winsley, Heavey, May, Phillips, R. Fisher, Fuhrman, Lisk and Sheldon

Providing industrial insurance coverage for jockeys.

The bill was read the second time. On motion of Heavey, Substitute House Bill No. 1952 was substituted for House Bill No. 1952, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1952 was read the second time.

Mr. R. King moved adoption of the following amendment by Representatives R. King, Cole, Vance, Prentice, Jones, Rasmussen, Holland, Leonard and Heavey:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 51.16.210 and 1989 c 385 s 1 are each amended to read as follows:

(1) APPLICABILITY. The department shall assess premiums, under the provisions of this section, for certain horse racing employments licensed in accordance with chapter 67.16 RCW. This premium assessment shall be for the purpose of providing industrial insurance coverage for employees ~~((of trainers))~~ licensed under chapter 67.16 RCW, including but not limited to exercise riders, pony riders, ~~((and))~~ grooms, jockeys, and apprentice jockeys, and including all on or off track employment. For the purposes of RCW 51.16.210, 67.16.300, 51.16.140, 51.32.073, and 67.16.020 a hotwalker shall be considered a groom. ~~((The department may adopt rules under chapter 34.05 RCW to carry out the purposes of this section, including rules providing for alternative reporting periods and payment due dates for coverage under this section. The department rules shall ensure that no licensee licensed prior to May 13, 1989, shall pay more than the assessment fixed at the basic manual rate.))~~

(2) EMPLOYER STATUS. For the purposes of this section, trainers shall be considered the exclusive employer of grooms, pony riders, and exercise riders. Persons or racing associations licensed to hold race meets under chapter 67.16 RCW, and race horse owners and trainers licensed under chapter 67.16 RCW shall be considered the special employers of jockeys and apprentice jockeys.

(3) TRAINER AND GROOM ASSESSMENT. The department shall compute industrial insurance premium rates on a per license basis ~~((, which premiums shall be assessed))~~ to fund the claims liability for all covered horse racing employments except for jockeys and apprentice jockeys, which shall be computed as provided in subsection (5) of this section. The premium requirement needed to cover employments subject to this subsection shall be funded by assessments calculated by the department and paid at the time of each issuance or renewal of the license for owners, trainers, and grooms ((in amounts established by department rule for coverage under this section. Premium assessments shall be determined in accordance with the requirements of this title, except that assessments shall not be experience rated and shall be fixed at the basic manual rate. However, rates may vary according to differences in working conditions at major tracks and fair tracks.

~~(3) For the purposes of paying premiums and assessments under this section and making reports under this title, individuals licensed as trainers by the Washington horse racing commission shall be considered employers).~~ The premium assessment for a groom's license shall be paid by the trainer responsible for signing the groom's license application and shall be payable at the time of license issuance or renewal.

(4) OWNER'S FEE. The fee to be assessed on owner licenses as required by subsection (3) of this section shall be considered a fee and not premiums and shall not exceed one hundred fifty dollars annually. However, those owners having less than a full ownership in a horse or horses shall pay a percentage of the required license fee that is equal to the total percentage of the ownership that the owner has in the horse or horses. In no event shall an owner having an ownership percentage in more than one horse pay more than a one hundred fifty-dollar license fee. This assessment shall be used to fund the claims liabilities of covered horse racing employments other than jockeys and apprentice jockeys as required under subsection (5) of this section. The assessment on each owner's license shall not imply that an owner is an employer, but shall be required as part of the privilege of holding an owner's license.

(5) JOCKEYS AND APPRENTICE JOCKEYS PREMIUMS. For the purposes of this subsection, the premium obligation for the coverage of jockeys and apprentice jockeys licensed under chapter 67.16 RCW shall be paid by owners and trainers, as follows:

(a) The premium assessment on owners is separate from the fee charged to owners under subsection (4) of this section and shall also be paid on a per license basis at the time of license issuance or renewal.

(b) The premium assessment for trainers shall be paid on a per start basis and collected from the trainers by the racing association operating the track that is holding the licensed event. The association shall remit all such premiums collected from the trainers collected on a per start basis as provided under department rules.

(6) BASE RATED PREMIUMS. The premiums established by the department to cover employments subject to this section shall not be experience rated.

(7) RULE MAKING AUTHORITY. The department may adopt rules under chapter 34.05 RCW to carry out the purposes of this section, including rules providing for alternative premium bases, reporting periods, and payment due dates for coverage under this section. Premium assessments ~~((under this section))~~ or fees which are collected on a per license basis shall be collected by the Washington horse racing commission and deposited in the industrial insurance trust funds as provided under department rules.

(8) EXCLUSIVE REMEDY. Owners and trainers who come under the jurisdiction of the Washington horse racing commission are considered to be special employers of jockeys and apprentice jockeys and the exclusive remedy provisions of RCW 51.04.010 apply for jockeys and apprentice jockeys.

Sec. 2. RCW 67.16.300 and 1989 c 385 s 2 are each amended to read as follows:

In addition to the license fees authorized by this chapter, the commission shall collect the industrial insurance premium assessments required under RCW 51.16.210 from trainers, grooms, and owners. The industrial insurance premium assessments required under RCW 51.16.210 shall be retroactive to January 1, ~~((1989))~~ 1991, and shall be collected from all licensees whose licenses were issued after that date. The commission shall deposit the industrial insurance premium assessments in the industrial insurance trust fund as required by rules adopted by the department of labor and industries.

Sec. 3. RCW 51.12.020 and 1987 c 316 s 2 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners: PROVIDED, That after July 26, 1981, sole proprietors or partners who for the first time register under chapter 18.27 RCW or become licensed for the first time under chapter 19.28 RCW shall be included under the mandatory coverage provisions of this title subject to the provisions of RCW 51.32.030. These persons may elect to withdraw from coverage under RCW 51.12.115.

(6) Any child under eighteen years of age employed by his parent or parents in agricultural activities on the family farm.

~~(7) ((Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.~~

~~(8))~~ Any officer of a corporation elected and empowered in accordance with the articles of incorporation or bylaws of a corporation who at all times during the period involved is also a director and shareholder of the corporation. However, any corporation may elect to cover such officers who are in fact employees of the corporation in the manner provided by RCW 51.12.110.

~~((9))~~ (8) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

Sec. 4. RCW 51.08.178 and 1988 c 161 s 12 are each amended to read as follows:

(1) For the purposes of this title, the monthly wages the worker was receiving from all employment at the time of injury shall be the basis upon which compensation is computed unless otherwise provided specifically in the statute concerned. In cases where the worker's wages are not fixed by the month, they shall be determined by multiplying the daily wage the worker was receiving at the time of the injury:

- (a) By five, if the worker was normally employed one day a week;
- (b) By nine, if the worker was normally employed two days a week;
- (c) By thirteen, if the worker was normally employed three days a week;
- (d) By eighteen, if the worker was normally employed four days a week;
- (e) By twenty-two, if the worker was normally employed five days a week;
- (f) By twenty-six, if the worker was normally employed six days a week;
- (g) By thirty, if the worker was normally employed seven days a week.

The term "wages" shall include the reasonable value of board, housing, fuel, or other consideration of like nature received from the employer as part of the contract of hire, but shall not include overtime pay except in cases under subsection (2) of this section. However, tips shall also be considered wages only to the extent such tips are reported to the employer for federal income tax purposes. The daily wage shall be the hourly wage multiplied by the number of hours the worker is normally employed. The number of hours the worker is normally employed shall be determined by the department in a fair and reasonable manner, which may include averaging the number of hours worked per day.

(2) In cases where (a) the worker's employment is exclusively seasonal in nature or (b) the worker's current employment or his or her relation to his or her employment is essentially part-time or intermittent, the monthly wage shall be determined by dividing by twelve the total wages earned, including overtime, from all employment in any twelve

successive calendar months preceding the injury which fairly represent the claimant's employment pattern.

(3) If, within the twelve months immediately preceding the injury, the worker has received from the employer at the time of injury a bonus as part of the contract of hire, the average monthly value of such bonus shall be included in determining the worker's monthly wages.

(4) The average monthly wage of a jockey or apprentice jockey is based upon all earnings, including earnings from outside the state. The department shall adopt the rules necessary for gathering and computing the wage information required for compliance with this subsection.

(5) In cases where a wage has not been fixed or cannot be reasonably and fairly determined, the monthly wage shall be computed on the basis of the usual wage paid other employees engaged in like or similar occupations where the wages are fixed.

Sec. 5. RCW 51.16.140 and 1989 c 385 s 3 are each amended to read as follows:

(1) Every employer who is not a self-insurer shall deduct from the pay of each of his or her workers one-half of the amount he or she is required to pay, for medical benefits within each risk classification. Such amount shall be periodically determined by the director and reported by him or her to all employers under this title: PROVIDED, That the state governmental unit shall pay the entire amount into the medical aid fund for volunteers, as defined in RCW 51.12.035, and the state apprenticeship council shall pay the entire amount into the medical aid fund for registered apprentices or trainees, for the purposes of RCW 51.12.130. The deduction under this section is not authorized for premiums assessed under RCW 51.16.210, except as specifically authorized in RCW 51.16.210(5)(b).

(2) It shall be unlawful for the employer, unless specifically authorized by this title, to deduct or obtain any part of the premium or other costs required to be by him or her paid from the wages or earnings of any of his or her workers, and the making of or attempt to make any such deduction shall be a gross misdemeanor.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Mr. R. King spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative R. King and others to the title was adopted:

On page 1, line 2 of the title, after "jockeys;" strike the remainder of the title and insert "amending RCW 51.16.210, 67.16.300, 51.12.020, 51.08.178, and 51.16.140; and declaring an emergency."

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1952, and the bill passed the House by the following vote: Yeas - 91, Nays - 7, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Chandler, Edmondson, Fuhrman, Horn, May, McLean, Nealey - 07.

Engrossed Substitute House Bill No. 1952, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1961 on the regular second reading calendar. The motion was carried.

MOTION

Ms. Lisk moved that House Bill No. 1961 be referred to Committee on Agriculture & Rural Development.

SPEAKER'S RULING

The Speaker: I'm sorry, Representative Lisk, you would have to be on the eighth order of business for that motion to be in order.

HOUSE BILL NO. 1961, by Representatives Wineberry, Heavey, Prentice, R. King, Wang, Jones, Franklin, Cole, Phillips, Anderson, Locke, Fraser, Leonard, Belcher, Brekke, Basich, Scott, Cantwell, Jacobsen, Ebersole, Riley, R. Fisher, Pruitt, G. Fisher and Nelson

Adopting the Washington agricultural labor relations act.

The bill was read the second time.

The Clerk read the following amendment by Representatives R. Johnson, Spanel and Kremen:

On page 3, line 12, after "contractor" insert ", or any person who does not employ more than twenty-four employees at any time during the current calendar year"

MOTION

Mr. Ebersole moved that the House defer further consideration of House Bill No. 1961 and that the bill hold its place on the second reading calendar. The motion was carried.

The Speaker called on Representative R. Meyers to preside.

HOUSE BILL NO. 1012, by Representatives Haugen, Wilson, Spanel, Morris, Cole, Zellinsky, Basich, Miller, Orr and Wynne

Providing a mechanism to recover lost fishing nets.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Fisheries & Wildlife as amended by Committee on Appropriations. (For committee amendments, see Journal, 46th Day, February 28, 1991.)

On motion of Mr. R. King, Substitute House Bill No. 1012 was substituted for House Bill No. 1012, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1012 was read the second time.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations.

Ms. Silver moved adoption of the following amendments to the committee amendment:

On page 1, line 6 of the amendment, after "insert:" strike all material through "percent." on page 2, line 14

Renumber remaining sections consecutively and correct internal references accordingly.

On page 3, beginning on line 1 of the amendment, strike the remainder of the section

On page 3, line 6 of the amendment, strike "9" and insert "4"

On page 3, beginning on line 11 of the amendment, strike all of section 13

Renumber remaining sections consecutively and correct internal references accordingly.

On page 3, line 16 of the amendment, strike "9" and insert "4"

On page 3, line 18 of the amendment, after "fisheries" strike "and the department of revenue"

On page 3, line 20 of the amendment, strike "9" and insert "4"

Ms. Silver spoke in favor of adoption of the amendments to the committee amendment, and Ms. Haugen spoke against them.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to adoption of the amendments by Representative Silver to the committee amendment.

A division was called. The Speaker (Mr. R. Meyers presiding) called upon the House to divide. The result of the division was: Yeas - 40, Nays - 58. The amendments to the committee amendment were not adopted.

Ms. Spanel moved adoption of the following amendment by Representatives Spanel and Haugen to the committee amendment:

On page 1, line 17 of the amendment, after "web," strike "net mesh, and net panels" and insert "net panels, rope including lead line, cork line, purse line, and rib line, twine, floats, and corks"

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

Ms. Silver moved adoption of the following amendments to the committee amendment:

On page 1, after line 6 of the amendment, insert a new section as follows:

"NEW SECTION. Sec. 5. The department shall evaluate the federal coast guard lost net recovery program and to report the appropriate committees of the legislature by December 1, 1991, on how that program can be coordinated with the provisions of this act."

Re-number remaining sections consecutively and correct internal references accordingly.

On page 3, line 14 of the amendment, strike "9" and insert "10"

On page 3, line 16 of the amendment, strike "9" and insert "10"

On page 3, line 20 of the amendment, strike "9" and insert "10"

Ms. Silver spoke in favor of adoption of the amendments to the committee amendment, and Ms. Spanel spoke against them. The amendments to the committee amendment were not adopted.

Mr. Zellinsky moved adoption of the following amendment by Representatives Zellinsky and Schmidt to the committee amendment:

On page 1, line 19, strike all the material through line 25.

Re-number sections consecutively and correct any internal references accordingly.

Representatives Zellinsky and Schmidt spoke in favor of adoption of the amendment to the committee amendment, and Ms. Haugen spoke against it.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be adoption of the amendment by Representatives Zellinsky and Schmidt to the committee amendment.

The Speaker (Mr. R. Meyers presiding), being in doubt, called upon the House to divide. The result of the division was: Yeas - 47, Nays - 50. The amendment to the committee amendment was not adopted.

The Clerk read the following amendments by Representatives Spanel, R. King and Haugen to the committee amendment:

On page 1, beginning on line 19 of the amendment, strike section 7.

Renumber sections consecutively and correct internal references accordingly.

On page 2, line 6 of the amendment, after "rate" strike "of four-" and insert "of six-

On page 2, line 13 of the amendment, after "rate" strike "of four-" and insert "of six"

With consent of the House, Representative Spanel withdrew the amendment to the committee amendment.

The Clerk read the following amendments by Representatives H. Sommers, R. King, Haugen and Wilson to the committee amendment:

On page 2, line 18 of the amendment, after "1998" strike ", as provided in section 11 of this act"

On page 2, beginning on line 20 of the amendment, strike sections 11 and 12.

Renumber sections consecutively and correct internal references accordingly.

With consent of the House, Representative H. Sommers withdrew the amendments to the committee amendment.

Ms. Haugen moved adoption of the following amendments by Representatives Haugen and Spanel to the committee amendment:

On page 2, line 18 of the amendment, after "1998" strike ", as provided in section 11 of this act"

On page 2, beginning on line 20 of the amendment, strike sections 11 and 12.

Renumber sections consecutively and correct internal references accordingly.

Ms. Haugen spoke in favor of adoption of the amendments to the committee amendment, and Ms. Silver spoke against them.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to adoption of the amendments by Representatives Haugen and Spanel to the committee amendment.

A division was called. The Speaker (Mr. R. Meyers presiding) called upon the House to divide. The result of the division was: Yeas - 56, Nays - 42. The amendments to the committee amendment were not adopted.

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

Ms. Spanel moved adoption of the committee amendments to the title.

With consent of the House, the following amendment by Representatives Haugen and Spanel to the committee amendment to the title was adopted:

On page 4, beginning on line 8 of the amendment, strike everything through line 14 and insert:

"On page 1, line 2 of the title, after "75.28 RCW;" strike the remainder of the title and insert "adding new sections to chapter 82.04 RCW; creating new sections; prescribing penalties; making an appropriation; providing an effective date; providing a termination date; and declaring an emergency."

The committee amendments to the title as amended were adopted.

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

Representatives Haugen and Wilson spoke in favor of passage of the bill, and Representatives Morton and Padden spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1012, and the bill passed the House by the following vote: Yeas - 72, Nays - 26, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, and Mr. Speaker - 72.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Brumsickle, Casada, Chandler, Edmondson, Forner, Fuhrman, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Morton, Nealey, Padden, Prince, Schmidt, Silver, Sommers, D., Tate, Zellinsky - 26.

Engrossed House Bill No. 1012, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately begin consideration of House Bills on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1927, by Representatives Nelson, Brough, Haugen and Holland

Changing provisions relating to assumption of metropolitan municipal corporation functions by a county.

The bill was read the second time.

Mr. Dorn moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1927.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1927, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Ludwig - 01.

Substitute House Bill No. 1927, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1940, by Representatives Scott, Cole, Leonard, Winsley, Bowman, Rayburn, O'Brien and Rasmussen

Establishing foster care citizen review boards.

The bill was read the second time.

Ms. Leonard moved that the committee recommendation be adopted (For committee amendments, see Journal, 57th Day, March 11, 1991.) and the engrossed substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1940.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1940, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1940, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2005, by Representatives Jones, Wilson, R. Fisher and Schmidt

Regulating freight brokers and forwarders.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2005.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2005, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers,

H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2005, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2037, by Representatives Morris, Moyer and Sprenkle; by request of Department of Health

Modifying requirements for radiologic technologists.

The bill was read the second time.

Mr. Braddock moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 2037.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2037, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

House Bill No. 2037, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2050, by Representatives R. Meyers, Spanel and R. Johnson

Revising the state subsidy of county ferries.

The bill was read the second time.

Ms. R. Fisher moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2050.

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2050, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2050, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2056, by Representative Braddock; by request of Department of Health

Making major changes to the regulation and provision of vital statistics.

The bill was read the second time.

Mr. Braddock moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2056

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2056, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R.,

Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2056, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2095, by Representatives R. Johnson, McLean, Anderson, Jones, Kremen, Braddock, Valle, Wineberry, Franklin, Day, Pruitt, Rayburn, Roland, Spanel and Prentice; by request of Department of Veterans Affairs

Establishing a counseling network for veterans and their families.

The bill was read the second time.

Mr. Anderson moved that the committee recommendation be adopted (For committee amendments, see Journal, 57th Day, March 11, 1991.) and the engrossed substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2095.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2095, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2095, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2153, by Representative Appelwick

Changing provisions relating to enforcement of child support.

The bill was read the second time.

Mr. Ludwig moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2153.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2153, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2153, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Ebersole, House Bill No. 1025 was made a special order of business for 4:49 p.m. today.

MOTION

Mr. Ebersole moved that the House immediately resume consideration of House Bill No. 1961 on the regular second reading calendar. The motion was carried. (For previous action, see today's Journal.)

The Speaker resumed the Chair.

HOUSE BILL NO. 1961, by Representatives Wineberry, Heavey, Prentice, R. King, Wang, Jones, Franklin, Cole, Phillips, Anderson, Locke, Fraser, Leonard, Belcher, Brekke, Basich, Scott, Cantwell, Jacobsen, Ebersole, Riley, R. Fisher, Pruitt, G. Fisher and Nelson

Adopting the Washington agricultural labor relations act.

The Speaker stated the question before the House to be consideration of the amendment on page 3, line 12, by Representatives R. Johnson, Spanel and Kremen.

MOTION

Ms. Lisk moved to refer House Bill No. 1961 to Committee on Agriculture & Rural Development.

Ms. Lisk spoke in favor of the motion, and Mr. Ebersole spoke against it.

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

ROLL CALL

The Clerk called the roll on the motion by Representative Lisk to refer House Bill No. 1961 to Committee on Agriculture & Rural Development, and the motion was not carried by the following vote: Yeas - 41, Nays - 57, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Beck, Betzoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Fomer, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Johnson R., Leonard, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wood, Wynne - 41.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jones, King, R., Kremen, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 57.

Mr. R. Johnson moved adoption of the amendment on page 3, line 12, by Representatives R. Johnson, Spanel and Kremen. Mr. R. Johnson spoke in favor of adoption of the amendment, and it was adopted.

On motion of Mr. R. Johnson, the following amendments by Representatives R. Johnson, Spanel and Kremen were adopted:

On page 4, beginning on line 7, strike all of subsection (9)

Renumber the subsections consecutively and correct any internal references accordingly.

On page 10, after line 10, insert the following:

"(4) (a) To engage in, or to induce or encourage an individual employed by any person to engage in a strike, or a refusal in the course of his or her employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities, or to perform any services in a normal and expeditious manner; or

(b) To threaten, coerce, or restrain any person with the object of:

(i) Forcing or requiring an employer or self-employed person to join an employee or employer organization;

(ii) Forcing or requiring a person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or forcing or requiring any other employer to recognize or bargain with an employee organization as the representative of his or her employees unless such employee organization has been certified as the representative of the employees under the provisions of section 10 of this act. However, nothing contained in this subsection (b)(ii) shall be construed to make unlawful, where not otherwise unlawful, a primary strike or primary picketing;

(iii) Forcing or requiring an employer to bargain with a particular employee organization as the representative of employees if another employee organization has been certified as the representative of such employees under the provisions of section 10 of this act; or

(iv) Forcing or requiring an employer to assign particular work to employees in a particular employee organization or in a particular trade, craft, or class rather than to employees in another employee organization or in another trade, craft, or class, unless such employer is failing to conform to an order or certification of the board determining the bargaining representative for employees performing such work.

For the purposes of this subsection (4), nothing contained in this subsection shall be construed to prohibit publicity, other than picketing, for the purpose of truthfully advising the public, including consumers and members of an employee organization, that a product is produced by an employer with whom the employee organization has a primary dispute and is distributed by another employer, as long as the publicity does not have the effect of inducing an individual employed by any person other than the primary employer, in the course of his or her employment, to refuse to pick up, deliver, or transport any goods, or not to perform any services at the establishment of the employer engaged in such distribution, and as long as such publicity does not have the effect of requesting the public to cease patronizing such other employer. However, publicity which includes picketing and has the effect of requesting the public to cease patronizing such other employer, shall be permitted only if the employee organization is currently certified as the representative of the primary employer's employees. Publicity other than picketing, but including peaceful distribution of literature, which has the effect of requesting the public to cease patronizing such other employer, shall be permitted only if the employee organization has not lost an election for the primary employer's employees within the preceding twelve-month period, and no other employee organization is currently certified as the representative of the primary employer's employees. Nothing contained in this subsection shall be construed to prohibit publicity, including picketing, which may not be prohibited under the United States Constitution or the Washington Constitution;"

Remember the subsections consecutively and correct any internal references accordingly.

On page 10, beginning on line 21, strike all material through "boycott." on line 22

The Clerk read the following amendments by Representatives Wineberry, Prentice and Heavey:

On page 4, line 9, after "commodity," strike "or"

On page 8, line 17, after "particular" strike "labor" and insert "employee"

On page 15, line 27, strike "department and any labor" and insert "board and any employee"

On page 23, line 17, after "submit to" insert "binding"

With consent of the House, Representative Wineberry withdrew the amendments.

Mr. Inslee moved adoption of the following amendments by Representatives Inslee, R. Johnson, Spanel, Grant and Heavey:

On page 7, line 14, after "include" strike all material through "striking" on line 15 and insert "the hiring of permanent employees to replace striking or locked out"

On page 11, line 19, after "strike" insert "or lockout"

On page 12, line 10, after "strike" insert "or the employer may lock out employees"

On page 15, line 6, after "held." insert "All agricultural employees of the employer whose names appear on the payroll applicable to the payroll period immediately preceding the filing of the petition for an election, except employees who are replacing striking or locked out employees, shall be eligible to vote."

Mr. Inslee spoke in favor of adoption of the amendments, and they were adopted.

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

Representatives Lisk, Nealey and Hochstatter spoke against passage of the bill, and Mr. Wineberry spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1961, and the bill passed the House by the following vote: Yeas - 53, Nays - 45, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Hargrove, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Winsley, Wood, and Mr. Speaker - 53.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Grant, Haugen, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rasmussen, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wynne, Zellinsky - 45.

Engrossed House Bill No. 1961, having received the constitutional majority, was declared passed.

SPECIAL ORDER OF BUSINESS

The hour of 4:59 p.m. having arrived, the Speaker declared the question before the House to be the special order of business, House Bill No. 1025 on second reading.

HOUSE BILL NO. 1025, by Representatives Cantwell, Betrozoff, Roland, Heavey, R. Meyers, Dorn, Holland, Paris, Wineberry, Wilson, May, Phillips, Wang, Sprenkle, Horn, Van Luven, Spanel, Wood, Prentice, Leonard, Haugen, Rust, Fraser, Nelson, Pruitt, G. Fisher, Jacobsen, R. Fisher, Valle, Hine, Winsley, Rasmussen, Scott, Forner, Brekke and Anderson; by request of Governor Gardner

Establishing growth management strategies.

The bill was read the second time. On motion of Ms. Spanel, Substitute House Bill No. 1025 was substituted for House Bill No. 1025, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1025 was read the second time.

The Speaker declared the House to be at ease.

The Speaker (Mr. Ebersole presiding) called the House to order.

The Speaker (Mr. Ebersole presiding) declared the House to be at recess until 7:15 p.m.

EVENING SESSION

The Speaker (Mr. Ebersole presiding) called the House to order at 7:15 p.m. The Clerk called the roll and all members were present except Representatives Fuhrman and Padden.

The Speaker resumed the Chair.

Representative Padden appeared at the bar of the House.

Ms. Cantwell moved adoption of the following amendment by Representatives Cantwell, Betrozoff, Haugen, Forner and Nelson

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 36.70A.010 and 1990 1st ex.s. c 17 s 1 are each amended to read as follows:

LEGISLATIVE FINDINGS. The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. The legislature further finds that the lack of common goals and the absence of effective methods and procedures to plan for environmentally sound land

use to accommodate new economic and population growth at the local and regional level have contributed to severe problems and conflicts. These have affected land use, transportation, water quality and availability, air quality, the health of sensitive lands, the maintenance of agricultural and forest lands, the cost of housing, and economic vitality of local communities and regions in the state. It is in the public interest that citizens, communities, regions, state government, local governments, tribal governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. A new system of land use planning and governance is needed to provide for the growth and continued vitality of the state's diverse communities and regions. It must be built upon and promote local accountability and initiative and the active involvement of citizens. It must also provide effective protection for the state's environmental heritage, conservation of its natural beauty, maintenance of its forest and agricultural lands in a productive and sustainable fashion, and the protection of its critical areas and limited water resources. The legislature further finds that the new system of land use planning must reflect and further the following values:

(1) Land use planning should respect local decision making -- land use planning and growth management should be based on activity in local communities, managed with attention to detail, where diverse citizen concerns can be effectively addressed. Planning should provide greater predictability in the development process by effectively resolving land use disputes earlier in the process.

(2) State government should provide a framework for local planning and environmental and natural resource protection -- state action should support local land use planning and conservation activities. The state should provide guidance and assistance for local planning, assurance of effective local action, and a means for resolving disputes concerning land use planning, development, and the maintenance and protection of critical areas, agricultural lands, forest lands, mineral resource lands, and open space. State government should act consistently with counties and cities, following common rules governing planning, land use, environmental protection, and natural resource conservation.

(3) Elected officials should be accountable for planning decisions -- land use planning decisions have long-term and complex impacts and affect numerous citizens and communities. Therefore, accountability for such decisions should rest with officials elected by and accountable to the public to the maximum extent feasible.

(4) Land use planning disputes should be resolved, when possible, using methods that recognize the value of the positions and needs of all parties to the dispute, resolving disputes through the judicial system only when such methods are not successful.

(5) Necessary regional and state public facilities should be located in a way that the burden of meeting public needs is shared fairly by the communities in a region, and primary responsibility for locating needed facilities should rest with the publicly accountable officials in local regions.

(6) Encouraging strong economies in the state's diverse regions -- the state has a continuing interest in furthering sustainable regional economic growth and vitality. Rapid economic growth has resulted in severe land use and environmental problems in fast-growing regions of the state. The long-term interest of the state's citizens is served best when all of the state's regions have vital economies. A vital regional economy is one which is diverse, competitive in global terms, economically and environmentally sustainable, offers opportunities for new enterprise, and provides ample family-wage employment for its citizens. The state should be an active participant in encouraging economic vitality in the state's regions, in partnership with counties, cities, citizens, and the private sector. Effective action to encourage economic development should include regional economic development planning, adequate infrastructure, and local and state action to increase the economic capacity of the state's regions. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth.

It is the intent of the legislature to address growth management and planning issues from state, regional, and local perspectives, to establish certain requirements on a state-wide basis, to permit such requirements to be met by counties and cities with maximum local flexibility, to require consistency in the planning of adjacent jurisdictions, to encourage cooperative planning between adjacent jurisdictions, and between adjacent jurisdictions and tribal governments, to provide adequate time to conform with such requirements, to prevent new development which is inconsistent with these requirements from taking place during the interim, and to provide resources to support such efforts in the form of both financial and technical assistance. It is the intent of the legislature to establish a process and system of planning and growth management emphasizing a shared responsibility between the state and counties and cities and including a fair and open process that allows counties and cities broad flexibility to meet the goals and requirements contained in this chapter in a manner best adapted to their local circumstances and diversity. It is not the intent of the legislature to establish a single comprehensive plan applicable without variation throughout the state. Instead, counties and cities are given broad flexibility to tailor a custom fit in their comprehensive plans to meet the goals and requirements contained in this chapter. It is the intent of the legislature to establish certain state-wide requirements and to designate a state role regarding natural resources of state-wide significance and where natural resources planning involves multiple jurisdictions.

Where appropriate, counties and cities should consult with tribal governments and special districts located within their boundaries when developing comprehensive plans and development regulations.

Sec. 2. RCW 36.70A.030 and 1990 1st ex.s. c 17 s 3 are each amended to read as follows:

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

(1) "Adjacent jurisdictions" include counties and cities that are located in the near vicinity of each other, and a county and the cities located within the county.

(2) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

~~((3))~~ (3) "Affordable housing" means housing for income groups who typically have difficulty renting or purchasing market rate housing, and who have incomes that do not exceed eighty percent of the median income for the area. In order for housing to be affordable, total monthly housing costs must not exceed thirty percent of the household's gross monthly income.

(4) "Agricultural land" means land or tidelands primarily devoted to the commercial production of shellfish, horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

~~((3))~~ (5) "Benchmarks" means quantitative and qualitative thresholds or targets that are used to measure the progress of a county or city to reach the goals contained in its comprehensive plan.

(6) "Board" means the growth management hearings board established to review plans and regulations established under this chapter.

(7) "City" means any city or town, including a code city.

~~((4))~~ (8) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

~~((5))~~ (9) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water;

(c) critical fish and wildlife habitat (~~(conservation areas)~~); (d) frequently flooded areas; and (e) geologically hazardous areas.

~~((6))~~ (10) "Department" means the department of community development.

~~((7))~~ (11) "Development regulations" means any controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances.

~~((8))~~ (12) "Fair share housing" means housing of various types and densities, located within a city or county, that is affordable and available to low-income persons and persons with special needs, in proportion to the county or regional need.

(13) "Forest land" means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially.

~~((9))~~ (14) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

~~((10))~~ (15) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~((11))~~ (16) "Mineral resource lands" include those lands identified and currently used or having potential for long-term commercial extraction of gravel, sand, rock, and valuable metallic substances.

(17) "Natural resources of state-wide significance" are natural resources that possess outstanding natural, ecological, or scenic values, and are of the highest quality and most significant of their type. Because of their quality, they are of interest to all residents of the state. They include but are not limited to: (a) Lands essential for the protection, management, or public enjoyment of wildlife; (b) rivers or segments of rivers with exceptional scenic or ecological characteristics; (c) scenic landscapes of outstanding value; (d) high quality, regionally important wetland communities; (e) unique or rare ecological systems; (f) prime examples of native plant communities; (g) unique geological features; (h) significant shorelines, estuaries, or aquatic sites; (i) essential water resources; and (j) prime or outstanding features of the Washington landscape.

(18) "New fully contained community" means a comprehensive development providing for a mixture of land uses which includes the following: (a) A mix of jobs, housing, and public facilities needed for a self-contained community including a fair share of affordable housing; (b) preservation of open spaces within and around the community; (c) an internal and external transportation system supportive of pedestrian access and public transit; (d) the new infrastructure needed to serve the proposed community; and (e) the mitigation of off-site impacts.

(19) "Open space" includes land areas, the protection of which would: (a) Conserve and enhance scenic or viewshed resources; (b) provide scenic amenities and community identity within and between areas of urban development; (c) protect physical and/or visual buffers within and between areas of urban and rural development, or along transportation corridors; (d) protect lakes, rivers, streams, watersheds, or water supply; (e) promote conservation of soils, tidal marshes, beaches, or other shoreline areas; (f) enhance the value to the public of abutting or neighboring parks, forests, wildlife habitat, trails, or other open space; (g) enhance recreation opportunities, including public access to shoreline areas; (h) protect natural areas and environmental features with significant educational, scientific, wildlife habitat, or historic value; or (i) retain and preserve natural areas and wildlife habitat important to the quality of life which are situated in an urban

environment. Open space shall not include setbacks, coverage requirements, restrictions on height, and related conditions.

~~((12))~~ (20) "Public facilities" include streets, roads, highways, public transit facilities, sidewalks, trails, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

~~((13))~~ (21) "Public services" include fire protection and suppression, law enforcement, public health, education, public transit services, recreation, environmental protection, and other governmental services.

(22) "Public utilities" means the facilities of a public service company, or a radio communications service company, as those terms are defined in RCW 80.04.010, and the facilities of a municipal corporation, mutual association, or cooperative that are used to provide the same kind of services as provided by a public service company.

(23) "Region" means one or more counties and the cities within the county or counties, including multicounty regions.

(24) "Special district" means every municipal and quasi-municipal corporation other than a county or city. Special districts shall include, but are not limited to: Water districts, sewer districts, public transit districts, fire protection districts, port districts, library districts, school districts, public utility districts, county park and recreation service areas, flood control zone districts, irrigation districts, diking districts, and drainage improvement districts.

(25) "State agencies" means all departments, boards, commissions, institutions of higher education, and offices of state government, except those in the legislative or judicial branches, except to the extent otherwise required by law.

~~((14))~~ (26) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((15))~~ (27) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((16))~~ (28) "Urban governmental services" include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

~~((17))~~ (29) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city.

"PART I - PLANNING GOALS"

Sec. 3. RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each amended to read as follows:

PLANNING GOALS. The plans, regulations, and actions, including expenditures of state-appropriated funds, of state agencies, counties, and cities that are required or

choose to plan under RCW 36.70A.040, and special districts located in counties that are required or choose to plan under RCW 36.70A.040, shall conform to and support the following goals ((are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals)) which are not listed in order of priority ((and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations)):

(1) Urban growth areas. ~~((Encourage))~~ Urban development shall occur in urban growth areas where adequate public facilities and services exist or can be provided in an efficient manner.

Urban growth areas should have concentrated employment centers, separated by adequate open space and protection of critical areas, and need not be uniformly urban in nature.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. ~~((Encourage efficient multimodal transportation systems that are))~~ Link transportation systems and land use to maintain acceptable levels of transportation service, coordinate the development of transportation facilities between jurisdictions based on regional priorities ((and coordinated with county and city comprehensive plans)), and develop efficient multimodal transportation systems that include alternatives to single automobile travel and preserve the operational and structural integrity of the transportation system.

(4) Housing. ~~((Encourage the availability of affordable))~~ Ensure housing ((to)) for all economic segments of the population of this state, participate in making available a fair share of affordable housing, including affordable housing for people with special needs, promote zoning classifications which allow a variety of residential densities and housing types, ((and)) encourage preservation of existing housing stock, and assure that housing complies with local, state, and federal fair housing laws.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, build a network of strong regional economies, including urban-rural linkages, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability. Overlapping, duplicative, and conflicting regulations shall be avoided.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Secondary land uses on agricultural lands, forest lands, and mineral resource lands shall be permitted that are related to and are designed to support the primary use of such lands for commercial agricultural, forest, or mineral resource purposes. Limited secondary land uses on agricultural lands, forest lands, and mineral resource lands may be permitted due to unique location factors of such lands, such as locating radio communication facilities. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to ~~((natural resource lands and))~~ water, and develop parks. Open space networks

should separate neighboring cities and, where possible, be linked to regional and state-wide open space networks.

(10) Environment. Protect the environment ((and enhance the state's high quality of life)), including critical areas, natural resources of state-wide significance, and air and water quality((, and the availability of water)). To the fullest extent possible, integrate the requirements of RCW 43.21C.030 into the planning process and identify in the comprehensive plan the significant adverse environmental impacts and reasonable alternatives to mitigate cumulative impacts on the environment.

(11) Citizen participation and coordination. ((Encourage)) Ensure the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards. Public facilities shall be sited in such a manner to utilize existing public infrastructure including transportation facilities and services. Ensure the siting of regional and state public facilities, so that each county and city accepts its fair share of public facilities and no community is overburdened.

(13) Historic preservation. Identify and encourage the preservation of lands, districts, sites, and structures, that have historical or archaeological significance.

(14) Water resources. Land use planning and all permit decisions should both protect water quality and quantity and if there is a demand for additional water resources, the demand must be compatible with water resource plans. New growth must be related to water availability. New growth using water for domestic or industrial purposes should be located in the vicinity of where sufficient water resources exist without transporting water significant distances. Each county and its cities must integrate water resource planning for consumptive and nonconsumptive uses into its land use plan to, foremost, ensure the continuous ready supply of fresh and potable water in the amounts necessary to sustain the general good health of all of its residents. Water is key for fish, wildlife, domestic use, industrial use, power, agriculture, aesthetics, and recreation.

(15) Air quality. Land use planning and permit decisions must recognize their effect on air quality and mitigate these effects to the extent possible.

(16) Public utilities. Provide for adequate public utilities by assuring that land will be available for the location of public utilities, including location within transportation corridors, so that efficient, reliable, and cost-effective utility service can be provided.

(17) Support of public institutions. Ensure that state trust lands can be managed for the support of public institutions in accordance with federal law and state law constitutional and statutory requirements. Protect state trust lands from arbitrary or discriminatory land use actions.

"PART II - LOCAL PLANNING"

Sec. 4. RCW 36.70A.040 and 1990 1st ex.s. c 17 s 4 are each amended to read as follows:

WHO MUST PLAN. (1) ((Each county that)) The following counties, and the cities located in whole or in part within such counties, shall adopt comprehensive land use plans and development regulations in accordance with this chapter: (a) The county has a population of one hundred thousand or more; (b) the county has both a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years((, and the cities located within such county,)); and (c) any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years((, and the cities located within such county, shall adopt comprehensive land use plans and development regulations under this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located

within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990)). Once a county meets ((either)) one of these criteria, the requirement to conform with ((RCW 36.70A.040 through 36.70A.160)) this chapter remains in effect, even if the county no longer meets one of these criteria.

(2) The county legislative authority of any county that does not meet the requirements of subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in whole or in part within a county that chooses to plan under this subsection, shall adopt a comprehensive land use plan in accordance with this chapter. Once such a resolution has been adopted, the county cannot remove itself from the requirements of this chapter.

(3) Any county or city that is required to adopt a comprehensive land use plan under subsection (1) of this section shall adopt the plan and submit a copy of the plan to the department on or before July 1, 1993. Any county or city that is required to adopt a comprehensive land use plan as a result of the actions taken under subsection (2) of this section shall adopt ~~((the))~~: (a) Development regulations under RCW 36.70A.060 within one year from the date the county legislative authority adopts the resolution under subsection (2) of this section; (b) a comprehensive plan not later than three years from the date the county legislative body takes action as required by subsection (2) of this section; and (c) development regulations implementing the comprehensive plan within one year of the date its comprehensive plan is adopted.

(4) If after January 1, 1991, the office of financial management certifies that ((the population of a county has changed sufficiently to meet the requirements of subsection (1) of this section, and the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section)) a county, that previously had not been required to plan under this chapter as specified under subsection (1) or (2) of this section, meets the requirements of subsection (1) of this section to become required to plan under this chapter, the county and each city within such county shall adopt: (a) Development regulations under RCW 36.70A.060 within one year of the certification by the office of financial management; (b) a comprehensive land use plan under this chapter within three years of the certification by the office of financial management; and (c) development regulations pursuant to this chapter within one year of having adopted its comprehensive land use plan.

Sec. 5. RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each amended to read as follows:

COMPREHENSIVE PLANS--MANDATORY ELEMENTS. The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall include designation of agricultural lands, forest lands, mineral resource lands, critical areas, natural resources of state-wide significance, and lands for open space as provided in section 39 of this act. Each county shall include urban growth areas as established in RCW 36.70A.110 in its comprehensive land use plan. The land use element shall provide

for protection of the quality and quantity of ground water and surface bodies of water used for public water supplies and shall recognize that water availability and quality are key factors in determining the extent, location, distribution, and intensity of land uses. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

The element shall incorporate noise exposure standards as defined by the department of ecology, identification of sources, including those from transportation facilities, and noise mitigation measures.

The land use element shall provide for the protection of air quality by limiting or conditioning development so that the development will not cause either direct or indirect degradation of air quality below acceptable standards.

(2)(a) A housing element recognizing the vitality and character of established residential neighborhoods that: ~~((a))~~ (i) Includes an inventory and analysis of existing and projected housing needs; ~~((b))~~ (ii) includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing and for meeting fair share affordable housing goals within the city or county; ~~((c))~~ and (iii) identifies and accommodates sufficient developable land for a range of housing types, including, but not limited to, government-assisted housing, housing for people with special needs, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities. ~~((d) makes adequate provisions for existing and projected needs of all economic segments of the community).~~

(b) All counties with a population of one hundred twenty-five thousand or more, and cities with a population of twenty thousand or more located within those counties, are also required to include within the housing element: (i) As part of the analysis of existing and projected housing needs, a jobs-housing balance consisting of at least a comparison between the supply of housing and the number of jobs projected in the next ten years in the city or county. The jobs-housing balance must include an assessment of affordable housing; (ii) identification of sufficient densities for a range of housing types; (iii) identification of zoning restrictions that unduly limit density or which unreasonably increase housing development costs; (iv) at least a ten to twenty-year plan for the preservation and development of affordable housing and for meeting the jurisdiction's fair share affordable housing goals. The plan must realistically project the amount of low-income housing units that will be needed in the jurisdiction in the next ten to twenty years, and alternative public and private financing sources; and (v) identification of ways to minimize the displacement of residents from housing.

(c) The department shall develop rules for exempting cities that are already developed near capacity and consist primarily of single-family homes from any of the provisions of (b) of this subsection.

(d) In furtherance of affordable housing objectives, for land use and zoning purposes, manufactured housing that meets the definition of a designated manufactured home, as provided in RCW 35.63.160, shall be permitted as single-family housing in undeveloped parts of the urban growth area. Cities and counties are also encouraged to facilitate the siting of mobile home parks in furtherance of affordable housing objectives by decreasing lot size and setback requirements, and by allowing mobile home parks to be sited the same as other residential subdivisions.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; ~~((and))~~ (e) an evaluation of

methods of meeting demands for capital facilities that are alternatives to construction, such as conservation or demand management; and (f) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities and do not foster urban growth.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards ~~((should))~~ shall, when practicable, address mode split and vehicle occupancy goals and also be regionally coordinated;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;

(iv) Forecasts of traffic for at least ten years, and twenty years if practicable, based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(v) Identification of transportation system management and system expansion needs ~~((and transportation system management needs))~~ to meet current and future demands, including system management or facilities needed for regional or state-wide purposes;

(vi) Identification of noise mitigation measures needed for existing or planned transportation facilities as identified in the land use element;

(c) Finance, including:

(i) An analysis of funding capability to judge needs against probable funding resources;

(ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;

(iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(e) Strategies for reducing the impact of transportation on air quality in conformity with the state implementation plan on air quality;

(f) Demand-management strategies.

After adoption of the comprehensive plan by ~~((jurisdictions))~~ counties and cities required to plan or who choose to plan under RCW 36.70A.040, ~~((local jurisdictions))~~ such counties and cities must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive

plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. ~~((These strategies))~~ Counties and cities may exempt limited high-density areas from the level of service standards requirement provided that the level of service for nonsingle occupant vehicles is improved through strategies which may include increased public ~~((transportation))~~ transit service, ride sharing programs, demand management, and other transportation systems management strategies. The purpose of the exemption is to permit higher density development in certain areas which is conducive to alternatives to the single-occupant vehicle, including public transit. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

(7) An environmental management element that ensures that cumulative impacts and standards are considered and mitigation efforts are incorporated into land use, economic development, and infrastructure to protect, and when appropriate, to enhance environmental quality. Plans should minimize development and growth impacts on the environment so as not to degrade air, water, and natural resources below acceptable standards. Plans should specify service standards for public facilities and services and mitigation polices to provide better certainty in the development process. Before new development is approved, adequate solid waste facilities and opportunities for recycling and source reduction should be provided.

(8) An open space element that provides for local and regional parks, outdoor recreation facilities, trails, resource conservation areas, natural vistas, and greenbelts within and between designated urban growth areas. To the extent possible, open spaces should be linked in a coordinated regional and state-wide network and should be designated permanent open space only if funds or other compensatory techniques are available for acquisition consistent with section 44 of this act.

(9) A fair share element for siting state and regional public facilities for: (a) Holding or housing persons who have been arrested or convicted of crimes; and (b) the reduction, recycling, or disposal of solid waste.

(10) An historic sites and buildings element that includes but is not limited to, sites listed in or eligible for the Washington state register of historic places, the national register of historic places, or for designation under a local historic preservation ordinance.

(11) An economic development element that includes an economic profile of the county or city addressing the economic patterns, potentials, strengths, and weaknesses, and which may include:

(a) Methods to strengthen the economic base of the county or city;

(b) Identification of an adequate supply of sites of suitable sizes, types, locations, and service levels for industrial and commercial uses;

(c) Compatible uses on or near sites that are zoned for industrial or commercial activity; and

(d) A description that details how the land use and capital facilities elements of the comprehensive plan carry out the goals and objectives of the economic development element.

(12) A private property element that establishes an orderly, consistent process that better enables government agencies to evaluate whether proposed regulatory or administrative actions may result in a taking of private property or violation of due process. It is not the purpose of this subsection to expand or reduce the scope of private property protections provided in the state and federal Constitutions.

(13) Each county with a population of four hundred fifty thousand or more, and the cities with a population of twenty thousand or more located within such counties, shall include a design element, which at a minimum, addresses bulk and scale of new buildings in or adjacent to developed areas.

Sec. 6. RCW 36.70A.080 and 1990 1st ex.s. c 17 s 8 are each amended to read as follows:

COMPREHENSIVE PLANS--OPTIONAL ELEMENTS. (1) A comprehensive plan may include additional elements, items, or studies dealing with other subjects relating to the physical development within its jurisdiction, including, but not limited to:

- (a) Conservation;
- (b) Solar energy; ~~((and))~~
- (c) ~~((Recreation))~~ Human resource development;
- (d) Cultural resources; and
- (e) A design element that enables communities to harmoniously fit new development with planned or existing community character and vision.

(2) A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.

Sec. 7. RCW 36.70A.110 and 1990 1st ex.s. c 17 s 11 are each amended to read as follows:

COMPREHENSIVE PLANS--URBAN GROWTH AREAS. (1) Each county that is required or chooses to ~~((adopt a comprehensive land use))~~ plan under RCW 36.70A.040 shall designate an urban growth area or areas in its comprehensive plan within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth ~~((or))~~ is adjacent to territory already characterized by urban growth, or meets the conditions for establishing new fully contained communities under section 11 of this act.

(2) Based upon the population forecast made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding ~~((twenty-year))~~ ten-year period. Development densities should be sufficient to: (a) Protect open space, natural features and parks, agricultural lands, forest lands, mineral resource lands, and critical areas within and outside of urban growth areas; (b) promote affordable housing; and (c) promote alternatives to single-occupancy vehicle travel. Additionally, the county shall include a second-tier area to accommodate urban growth that is projected to occur in the county for a twenty-year period. The ten-year tier must be developed substantially before suburban or urban development is permitted beyond the ten-year tier. The ten-year and twenty-year urban growth area tiers in a county shall be established in such a manner as to not permit a significantly greater extent of urban growth than is projected to occur in the county within those time periods. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. Within one year of July 1, 1990, each county required to designate urban growth areas shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. The county and cities located within the county shall attempt to reach agreement ~~((with each city))~~ on the location of ~~((an))~~ urban growth areas ~~((within which the city is located))~~ within the county. If such an agreement is not reached ~~((with each city located within the urban growth area)),~~ the county shall justify in writing why it so designated the area or areas an urban growth area or urban growth areas. A city may object formally ~~((with))~~ to the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in rural areas.

(4) New development should be designed to respect the planned and existing character of neighborhoods and to mitigate the effect on the environment, including air quality.

(5) Areas for potential annexation or potential incorporation shall be designated in portions of urban growth areas outside of cities. These areas shall relate the potential annexation or incorporation areas with local development patterns, address density, and identify the needed service providers without proliferating special purpose districts, and may include possible sequences or timing for the potential annexations or incorporations.

(6) Open space and lands with significant natural limitations shall be excluded in computing urban area density.

(7) At its option, a county may refer to any or all of the urban growth areas that it establishes as urban service areas.

NEW SECTION. Sec. 8. INTERIM URBAN GROWTH AREAS. (1) A city shall not annex territory located beyond an interim urban growth area established by a county planning under RCW 36.70A.040. A city shall not incorporate territory located beyond an interim urban growth area established by a county planning under RCW 36.70A.040.

(2) Counties that designate interim urban growth areas shall do so based on urban growth areas already established as of the effective date of this act or pursuant to the provisions contained in RCW 36.70A.110(1). Urban growth shall not be allowed outside of the interim urban growth areas. The provisions of RCW 36.70A.110 (2) through (7) shall not apply to the designation of interim urban growth areas.

Sec. 9. RCW 36.70A.130 and 1990 1st ex.s. c 17 s 13 are each amended to read as follows:

URBAN GROWTH AREA REVIEW. (1) Each comprehensive land use plan and development regulations shall be subject to continuing evaluation and review by the county or city that adopted them.

Any amendment or revision to a comprehensive land use plan shall conform to this chapter, and any change to development regulations shall be consistent with and implement the comprehensive plan.

(2) Each county and city shall establish procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. However, each county with a population of four hundred fifty thousand or more shall review its urban growth area or areas at least every five years. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to

accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.

NEW SECTION. Sec. 10. A new section is added to chapter 35.02 RCW to read as follows:

NO INCORPORATION BEYOND URBAN GROWTH BOUNDARIES. In a county in which urban growth areas have been designated under RCW 36.70A.110, no city may be incorporated beyond an urban growth area boundary.

NEW SECTION. Sec. 11. **NEW FULLY CONTAINED COMMUNITIES.** A county required or choosing to plan under RCW 36.70A.040 may establish a process as part of its urban growth areas, that are designated under RCW 36.70A.110, for reviewing proposals to authorize new fully contained communities located outside of the initially designated urban growth areas. Whenever this process is included, the urban growth areas in the county shall be restricted in anticipation of a new fully contained community or communities being approved in the future. When a new fully contained community is approved, the comprehensive plan shall be amended to designate the new fully contained community as an isolated urban growth area. The process contemplates holding in reserve portions of what eventually will become isolated urban growth areas within a county. Whenever the process to allow new fully contained communities is included as part of the urban growth areas within a county, the county shall demonstrate and justify how it restricted its urban growth areas in anticipation of approving a new fully contained community or communities as part of the urban growth areas within the county.

The process for reviewing proposed new fully contained communities shall include broad public participation. The applicant for the proposed new fully contained community shall prepare a proposed subarea plan for the area within which the new fully contained community is proposed to be located that demonstrates how growth-inducing impacts and urban and suburban growth will be precluded from occurring in the vicinity of the new fully contained community. A new fully contained community shall be surrounded by open space corridors and greenbelt areas. The process by which a new fully contained community is approved shall permit the transfer of development rights from property in the near vicinity of the proposed new fully contained community to the proposed new fully contained community. A new fully contained community shall not be located in a critical area or on natural resource lands. New fully contained communities shall be consistent with the requirements of this chapter. In addition, a new fully contained community may be approved only if the following criteria are met:

- (1) New infrastructure and off-site impacts are fully considered and fully mitigated;
- (2) Transit-oriented site planning and traffic demand management efforts are implemented;
- (3) Buffers are provided between the new community and urban growth areas;
- (4) Provisions are made for a balance of jobs and housing;
- (5) Sufficient affordable housing is provided within the new fully contained community;
- (6) Environmental protections have been adequately addressed and provided;
- (7) Sufficient protection is provided to ensure the new fully contained community is self-contained and will not stimulate or accelerate urban or suburban growth in adjacent areas;
- (8) Provision is made to minimize impacts on designated agricultural lands, forest lands, or mineral resource lands; and
- (9) The plan for the new fully contained community is consistent with the development regulations established for the protection of critical areas.

NEW SECTION. Sec. 12. **MASTER PLANNED RESORTS.** Counties that are required or choose to plan under RCW 36.70A.040 may permit master planned resorts outside of urban growth areas as limited by this section. A master planned resort means a self-contained and fully integrated planned unit development with a primary and

dominant focus on overnight accommodations and related visitor accommodations associated with on-site recreational activities, that primarily is retained under common ownership. A master planned resort may include limited subdivision or short subdivision of land within its boundaries, but only if such divisions are a minor part of the dominant resort focus that is retained under common ownership.

A master planned resort may be authorized by a county only if the county: (1) Specifically identifies policies to guide the development of such uses in its comprehensive plan; (2) includes a finding as a part of the approval process that the land is better suited, and has more long-term importance, for the master planned resort than for the commercial harvesting of timber, if located on land that otherwise would be designated as forest land; (3) is not located on or in the near vicinity of agricultural lands; (4) includes a finding as part of the approval process that the development will not adversely affect critical areas, and includes adequate binding restrictions to ensure that the development will not adversely affect critical areas; (5) does not permit or encourage other urban or suburban land uses that are not associated directly with the master planned resort; and (6) includes adequate binding restrictions to ensure that the development will not permit or encourage such land uses.

NEW SECTION. Sec. 13. PLANS AND REGULATIONS--SPECIAL DISTRICTS MUST CONFORM. (1) All special districts shall perform all of their activities which affect land use in conformity with the land use plans and zoning ordinances of the county or city having jurisdiction in the area where the activities occur.

(2) Not later than one and one-half years after the adoption of development regulations by a county or city pursuant to RCW 36.70A.120, each special district that provides one or more of the public facilities or public services listed in this subsection, and is located within such a county or city, shall adopt or amend a capital facilities plan for its facilities that is consistent with the comprehensive plan and development regulations and indicates the existing and projected capital facilities that are necessary to serve the projected growth for the area that is served by the special district. These public facilities or public services are: (a) Sanitary sewers; (b) potable water facilities; (c) park and recreation facilities; (d) fire suppression; (e) emergency medical services; (f) libraries; (g) hospitals; (h) schools; and (i) transportation facilities or services, including public transit.

Sec. 14. RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each amended to read as follows:

HOUSING REPLACEMENT FEE. (1) It is the intent of the legislature:

(a) To ensure that adequate facilities are available to serve new growth and development;

(b) To promote orderly growth and development by establishing standards by which counties, cities, and towns may require, by ordinance, that new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development and that new development reducing the supply of low-income housing contribute to the cost to the community of the development of replacement low-income housing; and

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.

(2) Counties, cities, and towns that are required or choose to plan under RCW 36.70A.040 are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(3) The impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) Shall be used for system improvements that will reasonably benefit the new development.

(4) Impact fees may be collected and spent only for the public facilities defined in RCW 82.02.090 which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of RCW 36.70A.070 or the provisions for comprehensive plan adoption contained in chapter 36.70, 35.63, or 35A.63 RCW, or the inherent authority of a charter county or charter city derived from its charter, or for replacement housing. After July 1, 1993, continued authorization to collect and expend impact fees shall be contingent on the county, city, or town adopting or revising a comprehensive plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying:

(a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

(b) Additional demands placed on existing public facilities by new development; ((and))

(c) Additional public facility improvements required to serve new development; and

(d) Cumulative significant adverse environmental impacts.

If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those public facility needs for which the county, city, or town is responsible.

(5) Any county, city, or town authorized to impose impact fees under this section may also impose a housing replacement fee on any development activity that involves the demolition of a structure previously used as low-income housing or the conversion of any such structure to use other than low-income housing. The housing replacement fee may not exceed the estimated cost to the jurisdiction of offsetting the impact of the development activity on the supply of low-income housing in the area in which the development is located. Any housing replacement fee shall be calculated by the jurisdiction in accordance with standards adopted by ordinance or regulation. All replacement housing fees shall be used to provide or finance low-income housing in the manner authorized by RCW 35.21.685 or 36.32.415.

After July 1, 1993, continued authorization to collect housing replacement fees shall be contingent on the jurisdiction adopting or revising a comprehensive plan in compliance with RCW 36.70A.070, and in compliance with the local jurisdiction's fair share affordable housing goal pursuant to chapter 36.70A RCW.

Sec. 15. RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each amended to read as follows:

IMPACT FEES--DEFINITIONS. Unless the context clearly requires otherwise, the following definitions shall apply in RCW 82.02.050 through 82.02.090:

(1) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.

(2) "Development approval" means any written authorization from a county, city, or town which authorizes the commencement of development activity.

(3) "Impact fee" means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost

of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

(4) "Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

(5) "Proportionate share" means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

(6) "Project improvements" mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the governing body of the county, city, or town shall be considered a project improvement.

(7) "Public facilities" means the following capital facilities owned or operated by government entities: (a) Public streets and roads, sidewalks, bicycle trails, and transit stops; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; ~~((and))~~ (d) low-income housing; (e) fire protection facilities in jurisdictions that are not part of a fire district; and (f) high-capacity transit systems and alternative transportation accommodations.

(8) "Service area" means a geographic area defined by a county, city, town, or intergovernmental agreement in which a defined set of public facilities provide service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles.

(9) "System improvements" mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

Sec. 16. RCW 43.21C.031 and 1983 c 117 s 1 are each amended to read as follows:

ENVIRONMENTAL IMPACT STATEMENTS. (1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement under this chapter.

(2)(a) Except as provided in (b) of this subsection, an environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement.

(b) An environmental impact statement for a comprehensive plan and development regulations considered for adoption under RCW 36.70A.040 shall analyze the significant adverse environmental impacts of the proposed plan and regulations.

(3) The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.

NEW SECTION. Sec. 17. VESTING DOCTRINE. The following rule is adopted for the vesting of rights in counties and cities that plan under this chapter: A right shall vest upon the issuance of a valid permit or preliminary plat approval. This rule shall

cease to be effective on the effective date of the final ordinance containing development regulations adopted under RCW 36.70A.120, that implement in whole the comprehensive plan adopted under this chapter within the entire planning jurisdiction of each county and city that plan under this chapter.

Sec. 18. RCW 19.27.095 and 1987 c 104 s 1 are each amended to read as follows:

BUILDING PERMIT APPLICATION--CONSIDERATION--REQUIREMENTS DEFINED BY LOCAL ORDINANCE. (1) Except as provided in section 17 of this act, a valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

(2) The requirements for a fully completed application shall be defined by local ordinance.

(3) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW.

Sec. 19. RCW 58.17.033 and 1987 c 104 s 2 are each amended to read as follows:

PROPOSED DIVISION OF LAND--REQUIREMENTS DEFINED BY LOCAL ORDINANCE. (1) Except as provided in section 17 of this act, a proposed division of land, as defined in RCW 58.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, or short plat approval of the short subdivision, has been submitted to the appropriate county, city, or town official.

(2) The requirements for a fully completed application shall be defined by local ordinance.

(3) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW.

Sec. 20. RCW 58.17.170 and 1981 c 293 s 10 are each amended to read as follows:

SUBDIVISION, ZONING CONTROLS. When the legislative body of the city, town or county finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of this chapter, other applicable state laws, and any local ordinances adopted under this chapter which were in effect at the time of preliminary plat approval, it shall suitably inscribe and execute its written approval on the face of the plat. The original of said final plat shall be filed for record with the county auditor. One reproducible copy shall be furnished to the city, town or county engineer. One paper copy shall be filed with the county assessor. Paper copies shall be provided to such other agencies as may be required by ordinance. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing, but during this five-year period are subject to any changed conditions on the valid land use contained in the current zoning or other land use control ordinances as long as the valid land use remains possible. These conditions include, but are not limited to, setback requirements and height limitations. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of five years after final plat approval unless the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

Sec. 21. RCW 36.70A.140 and 1990 1st ex.s. c 17 s 14 are each amended to read as follows:

NEIGHBORHOOD PARTICIPATION. Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish procedures providing for early and continuous public participation in the development and amendment of comprehensive land

use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. Errors in exact compliance with the established procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the procedures is observed.

Every city with a population of twenty thousand or more that plans under RCW 36.70A.040 shall establish a neighborhood inclusion process. The process shall allow neighborhood groups an opportunity to develop a neighborhood plan that addresses how their neighborhood can help the city meet its overall goals and requirements for growth management. The neighborhood plan must be consistent with the goals, requirements, and priorities of the city, and shall be given substantial consideration by the city council. The city shall: (1) Provide neighborhood groups with a listing of what the city is required to do in order to comply with growth management provisions; (2) assist neighborhood groups with the development of the neighborhood plan when possible; (3) establish timelines for when the neighborhood plans must be submitted to the city for review; and (4) help in the development of impact mitigation measures for the neighborhood when a neighborhood increases its density, or when state or regional public facilities are sited in the neighborhood. If the neighborhood plan does not proceed in a timely manner, the city may assume control over the process and complete the plan.

Every city with a population of twenty thousand or more shall establish citizen advisory councils to assist in the development of the comprehensive land use plans and development regulations. Counties and cities may establish citizen advisory councils. The councils shall be consulted on the development of methods to meet fair share housing goals, and be consulted at key planning milestones.

Nothing in this section shall require a city to establish a neighborhood inclusion process or a citizen advisory council if the city already has a similar neighborhood inclusion process or a citizen advisory council already established.

Sec. 22. RCW 36.93.170 and 1989 c 84 s 5 are each amended to read as follows:

FACTORS FOR BOUNDARY REVIEW BOARD TO CONSIDER. In reaching a decision on a proposal or an alternative, the board shall consider the factors affecting such proposal, which shall include, but not be limited to the following:

(1) Population and territory; population density; land area and land uses; comprehensive plans and zoning, as adopted under chapter 35.63, 35A.63, or 36.70 RCW; per capita assessed valuation; topography, natural boundaries and drainage basins, proximity to other populated areas; the existence and preservation of prime agricultural soils and productive agricultural uses; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities;

(2) Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services from other sources; probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units; the added net costs for a city, town, or special district to provide services and facilities in an area that it proposes to annex; and

(3) The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

The provisions of chapter 43.21C RCW, State Environmental Policy, shall not apply to incorporation proceedings covered by chapter 35.02 RCW.

Sec. 23. RCW 36.93.180 and 1989 c 84 s 6 are each amended to read as follows:

OBJECTIVES OF BOUNDARY REVIEW BOARD. The decisions of the boundary review board shall attempt to achieve the following objectives:

- (1) Preservation of natural neighborhoods and communities;
- (2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;
- (3) Creation and preservation of logical service areas;
- (4) Prevention of abnormally irregular boundaries;
- (5) Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas;
- (6) Dissolution of inactive special purpose districts;
- (7) Adjustment of impractical boundaries;
- (8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; ~~((and))~~
- (9) Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority; and

(10) Evaluation of whether the proposed annexation by a city or town, or proposed incorporation of a city or town, in a county that is required or chooses to plan under RCW 36.70A.040, is located within an urban growth area and is consistent with the annexation and incorporation portions of the urban growth area. Cities and towns located in a county that is required or chooses to plan under RCW 36.70A.040 shall not annex areas outside of an urban growth area. A city or town shall not be incorporated outside of an urban growth area in any county that is required or chooses to plan under RCW 36.70A.040.

NEW SECTION. Sec. 24. A new section is added to chapter 36.93 RCW to read as follows:

POWER TO DISBAND BOUNDARY REVIEW BOARD. When a county has adopted a comprehensive plan and consistent development regulations pursuant to the provisions of chapter 36.70A RCW and this act, the county may at the discretion of the county legislative authority, disband the boundary review board in that county.

Sec. 25. RCW 35.13.130 and 1990 c 33 s 566 are each amended to read as follows:

PETITION METHOD--PETITION--SIGNERS--CONTENT. A petition for annexation of an area contiguous to a city or town may be made in writing addressed to and filed with the legislative body of the municipality to which annexation is desired. Except where all the property sought to be annexed is property of a school district, and the school directors thereof file the petition for annexation as in RCW 28A.335.110 authorized, the petition must be signed by the owners of not less than seventy-five percent in value according to the assessed valuation for general taxation of the property for which annexation is petitioned, except the petition for a city or town that is located in a county planning under RCW 36.70A.040, to annex property located in such a county, must be signed by the owners of not less than sixty percent in value according to the assessed valuation for general taxation of the property for which annexation is petitioned. **PROVIDED,** That in cities and towns with populations greater than one hundred sixty thousand located east of the Cascade mountains, the owner of tax exempt property may sign an annexation petition and have the tax exempt property annexed into the city or town, but the value of the tax exempt property shall not be used in calculating the sufficiency of the required property owner signatures unless only tax exempt property is proposed to be annexed into the city or town. The petition shall set forth a description of the property according to government legal subdivisions or legal plats which is in compliance with RCW 35.02.170, and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of all or of any portion of city or town indebtedness by the area annexed,

and/or the adoption of a comprehensive plan for the area to be annexed, these facts, together with a quotation of the minute entry of such requirement or requirements shall be set forth in the petition.

NEW SECTION. Sec. 26. A new section is added to chapter 35.13 RCW to read as follows:

CITY ANNEXATIONS. Each unincorporated area that as of January 1, 1991, lies wholly within the boundaries of a city or town shall become part of the city or town within whose boundaries the unincorporated area lies, as of the effective date of an ordinance adopted by the city or town governing body providing for the annexation of the area, after the governing body holds a public hearing on the proposed annexation of the area. Land which is owned by a county and used for the purposes of an agricultural fair under chapter 15.76 or 36.37 RCW, or a county park, shall not be annexed under this section without the consent of a majority of the members of the county legislative authority of the county that owns the land. For purposes of this section, an unincorporated area that is bounded completely by both a state boundary, or a body or bodies of navigable water, and a city or town shall not be construed to lie wholly within the boundaries of a city or town. Annexations under this section shall not be reviewed by a boundary review board or other annexation review board.

NEW SECTION. Sec. 27. A new section is added to chapter 35.13 RCW to read as follows:

CITY ANNEXATIONS. (1) A city or town shall not annex territory under any method where, after the proposed annexation has occurred, any closed plane figure of unincorporated area could be drawn that includes a portion of the boundary of the newly annexed area so that eighty percent or more of the figure's perimeter is conterminous with any of the annexing city's or town's boundaries. In addition, a city or town shall not annex unincorporated territory under any method of annexation if, as a result of the annexation, an area would become entirely surrounded by a body or bodies of navigable water and the annexing city or town, unless the annexation reduced the size of an area that prior to the annexation was entirely surrounded by a body or bodies of navigable water and the annexing city or town.

(2) However, a city or town may annex territory that lies within a corridor of unincorporated territory which existed before the effective date of this act where, after the annexation has occurred, a closed plane figure could be drawn that is prohibited under subsection (1) of this section, if, after the proposed annexation has occurred, another closed plane figure cannot be drawn within the corridor so that a greater percentage of the perimeter is conterminous with a portion of the boundaries of the city or town than was the case with the perimeter of the original figure.

NEW SECTION. Sec. 28. A new section is added to chapter 35A.14 RCW to read as follows:

CITY ANNEXATIONS. Each unincorporated area that as of January 1, 1991, lies wholly within the boundaries of a code city shall become part of the city within whose boundaries the unincorporated area lies, as of the effective date of an ordinance adopted by the city governing body providing for the annexation of the area, after the governing body holds a public hearing on the proposed annexation of the area. Land which is owned by a county and used for the purposes of an agricultural fair under chapter 15.76 or 36.37 RCW, or a county park, shall not be annexed under this section without the consent of a majority of the members of the county legislative authority of the county that owns the land. For purposes of this section, an unincorporated area that is bounded completely by both a state boundary, or a body or bodies of navigable water, and a city shall not be construed to lie wholly within the boundaries of a city. Annexations under this section shall not be reviewed by a boundary review board or other annexation review board.

NEW SECTION. Sec. 29. A new section is added to chapter 35A.14 RCW to read as follows:

CITY ANNEXATIONS. (1) A code city shall not annex territory under any method where, after the proposed annexation has occurred, any closed plane figure of unincorporated area could be drawn that includes a portion of the boundary of the newly annexed area so that eighty percent or more of the figure's perimeter is coterminous with any of the annexing city's boundaries. In addition, a code city shall not annex unincorporated territory under any method of annexation if, as a result of the annexation, an area would become entirely surrounded by a body or bodies of navigable water and the annexing city, unless the annexation reduced the size of an area that prior to the annexation was entirely surrounded by a body or bodies of navigable water and the annexing city.

(2) However, a code city may annex territory that lies within a corridor of unincorporated territory which existed before the effective date of this act where, after the annexation has occurred, a closed plane figure could be drawn that is prohibited under subsection (1) of this section, if, after the proposed annexation has occurred, another closed plane figure cannot be drawn within the corridor so that a greater percentage of the perimeter is coterminous with a portion of the boundaries of the city than was the case with the perimeter of the original figure.

"PART III - HOUSING"

Sec. 30. RCW 82.46.010 and 1990 1st ex.s. c 17 s 36 are each amended to read as follows:

REAL ESTATE EXCISE TAX--HOUSING PROJECTS. (1) The governing body of any county or any city may impose an excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. The revenues from this tax shall be used by the respective jurisdictions for local capital improvements, including those listed in RCW 35.43.040.

After July 1, 1990, revenues generated from the tax imposed under this subsection in counties and cities that are required or choose to plan under RCW 36.70A.040 shall be used primarily for financing capital projects specified in a capital facilities plan element of a comprehensive plan, housing projects, and housing relocation assistance under RCW 59.18.440 and 59.18.450. However, revenues (a) pledged by such counties and cities to debt retirement prior to July 1, 1990, may continue to be used for that purpose until all outstanding debt is retired, or (b) committed prior to July 1, 1990, by such counties or cities to a capital project may continue to be used for that purpose until the project is completed.

(2) In lieu of imposing the tax authorized in RCW 82.14.030(2), the governing body of any county or any city may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-half of one percent of the selling price.

(3) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county or within the corporate limits of the city, as the case may be.

(4) Taxes imposed under this section shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

(5) As used in this section, "city" means any city or town; and "housing project" includes the construction, reconstruction, acquisition, or rehabilitation of housing to serve low-income persons by the city or county, or as provided in RCW 35.21.685 and 36.32.415.

NEW SECTION. Sec. 31. FAIR SHARE HOUSING. (1) Each county and city that is required or chooses to plan under RCW 36.70A.040 shall determine its fair share affordable housing goal pursuant to the regional policy plan process established in section 50 of this act. The process shall utilize county-wide data provided by the office of financial management to establish the fair share affordable housing goals, except that data from more than one county may be aggregated when it is appropriate.

(2) The department shall require each city and county to submit a report every five years that describes the progress that is being made to meet its fair share affordable housing goal. Jurisdictions that meet their fair share affordable housing goals shall receive preference points in applications for grants or loans under the public works assistance account and the housing trust fund. A jurisdiction can demonstrate progress at meeting its fair share affordable housing goals by indicating efforts in reducing minimum lot and frontage sizes, the amount of local effort compared to the tax capacity, the submission of any bond and levy measures to the voters for affordable housing, the identification and elimination of restrictive zoning or regulations that unreasonably impact affordable housing, the enactment of density bonuses and land use techniques such as cluster housing and planned unit developments, the siting of affordable higher density mobile home parks, the adoption of a current use classification for assessing low-income housing, and efforts to preserve federally assisted housing developments.

NEW SECTION. Sec. 32. A new section is added to chapter 8.26 RCW to read as follows:

REPLACEMENT HOUSING. Whenever the state or a local public agency demolishes or otherwise eliminates low-income housing as defined in RCW 36.32.415 for a public works project, it shall deposit moneys in a local jurisdiction housing replacement fund in an amount equal to the cost of providing an equal number of new low-income rental housing units in the same location. The moneys may only be used for acquiring, constructing, or rehabilitating low-income housing stock. Nothing in this section shall require a state or local public agency to pay an impact fee for demolishing housing that constitutes a nuisance or a health or safety hazard to the community.

Sec. 33. RCW 35.21.685 and 1986 c 248 s 1 are each amended to read as follows:

LOW-INCOME HOUSING. A city or town may assist in the development or preservation of publicly or privately owned housing for persons of low income by providing loans or grants (~~(of general municipal funds)~~) to the owners or developers of the housing. The loans or grants shall be pursuant to a plan or program authorized by the legislative authority of the city or town (~~(-They may be made)~~) to finance all or a portion of the cost of construction, reconstruction, acquisition, or rehabilitation of housing that will be occupied by ((a) one or more persons or ((family) families of low income or relocation assistance for such persons or families. As used in this section, "low income" means income that does not exceed eighty percent of the median income for the county or, if applicable, the standard metropolitan statistical area in which the city or town is located. For the purpose of this section, "owner" includes a lessee under a ground lease or a master lease. Housing constructed or rehabilitated with loans or grants made under this section shall not be considered public works or improvements subject to competitive bidding or a purchase of services subject to the prohibition against advance payment for services: PROVIDED, That whenever feasible the borrower or grantee shall make every reasonable and practicable effort to utilize a competitive public bidding process.

Sec. 34. RCW 36.32.415 and 1986 c 248 s 2 are each amended to read as follows:

LOW-INCOME HOUSING. A county may assist in the development or preservation of publicly or privately owned housing for persons of low income by providing loans or grants (~~(of general county funds)~~) to the owners or developers of the housing. The loans or grants shall be made pursuant to a plan or program authorized by the legislative authority of a county (~~(-They may be made)~~) to finance all or a portion of the cost of construction, reconstruction, acquisition, or rehabilitation of housing that

will be occupied by ~~((a))~~ one or more persons or ~~((family))~~ families of low income or relocation assistance for such persons or families. As used in this section, "low income" means income that does not exceed eighty percent of the median income for the county or, if applicable, the standard metropolitan statistical area in which the county is located. For the purpose of this section, "owner" includes a lessee under a ground lease or master lease. Housing constructed or rehabilitated with loans or grants made under this section shall not be considered public works or improvements subject to competitive bidding or a purchase of services subject to the prohibition against advance payment for services: PROVIDED, That whenever feasible the borrower or grantee shall make every reasonable and practicable effort to utilize a competitive public bidding process.

Sec. 35. RCW 59.18.440 and 1990 1st ex.s. c 17 s 49 are each amended to read as follows:

HOUSING RELOCATION ASSISTANCE. (1) Any city, town, or county~~((, or municipal corporation))~~ that is required to or chooses to develop a comprehensive plan under RCW ~~((36.70A.040(1)))~~ 36.70A.040 is authorized to require, after reasonable notice to the public and a public hearing, property owners to provide their portion of reasonable relocation assistance to low-income tenants upon the demolition, substantial rehabilitation whether due to code enforcement or any other reason, or change of use of residential property, or upon the removal of use restrictions in an assisted-housing development. No city, town, or county~~((, or municipal corporation))~~ may require property owners to provide relocation assistance to low-income tenants, as defined in this chapter, upon the demolition, substantial rehabilitation, upon the change of use of residential property, or upon the removal of use restrictions in an assisted-housing development, except as expressly authorized herein or when authorized or required by state or federal law. As used in this section, "assisted housing development" means a multifamily rental housing development that either receives government assistance and is defined as federally assisted housing in RCW 59.28.020, or that receives other federal, state, or local government assistance and is subject to use restrictions.

(2) As used in this section, "low-income tenants" means tenants whose combined total income per dwelling unit is at or below fifty percent of the median income, adjusted for family size, in the county where the tenants reside.

The department of community development shall adopt rules defining county median income in accordance with the definitions promulgated by the federal department of housing and urban development.

(3) A requirement that property owners provide relocation assistance shall include the amounts of such assistance to be provided to low-income tenants. In determining such amounts, the ~~((jurisdiction))~~ county, city, or town imposing the requirement shall evaluate, and receive public testimony on, what relocation expenses displaced tenants would reasonably incur in that jurisdiction including:

- (a) Actual physical moving costs and expenses;
- (b) Advance payments required for moving into a new residence such as the cost of first and last month's rent and security and damage deposits;
- (c) Utility connection fees and deposits; and
- (d) Anticipated additional rent and utility costs in the residence for one year after relocation.

(4)(a) Relocation assistance provided to low-income tenants under this section shall not exceed two thousand dollars for each dwelling unit displaced by actions of the property owner under subsection (1) of this section. A city, town, or county~~((, or municipal corporation))~~ may make future annual adjustments to the maximum amount of relocation assistance required under this subsection in order to reflect any changes in the housing component of the consumer price index as published by the United States department of labor, bureau of labor statistics.

(b) The property owner's portion of any relocation assistance provided to low-income tenants under this section shall not exceed one-half of the required relocation assistance under (a) of this subsection in cash or services. A city, town, or county may authorize the cash portion of the relocation assistance provided by the property owner to be in the form of foregone rent, and may establish a value on services provided by the landlord, such as moving, that assist the tenants to relocate.

(c) The portion of relocation assistance not covered by the property owner under (b) of this subsection shall be paid by the city, town, or county(~~(, or municipal corporation))~~) authorized to require relocation assistance under subsection (1) of this section. The relocation assistance may be paid from proceeds collected from the excise tax imposed under RCW 82.46.010.

(5) A city, town, or county(~~(, or municipal corporation))~~) requiring the provision of relocation assistance under this section shall adopt policies, procedures, or regulations to implement such requirement. Such policies, procedures, or regulations shall include provisions for administrative hearings to resolve disputes between tenants and property owners relating to relocation assistance or unlawful detainer actions during relocation, and shall require a decision within thirty days of a request for a hearing by either a tenant or property owner.

Judicial review of an administrative hearing decision relating to relocation assistance may be had by filing a petition, within ten days of the decision, in the superior court in the county where the residential property is located. Judicial review shall be confined to the record of the administrative hearing and the court may reverse the decision only if the administrative findings, inferences, conclusions, or decision is:

- (a) In violation of constitutional provisions;
- (b) In excess of the authority or jurisdiction of the administrative hearing officer;
- (c) Made upon unlawful procedure or otherwise is contrary to law; or
- (d) Arbitrary and capricious.

(6) Any city, town, or county(~~(, or municipal corporation))~~) may require relocation assistance, under the terms of this section, for otherwise eligible tenants whose living arrangements are exempted from the provisions of this chapter under RCW 59.18.040(3) and if the living arrangement is considered to be a rental or lease pursuant to RCW 67.28.180(1).

(7)(a) Persons who move from a dwelling unit prior to the application by the owner of the dwelling unit for any governmental permit necessary for the demolition, substantial rehabilitation, or change of use of residential property or prior to any notification or filing required for condominium conversion shall not be entitled to the assistance authorized by this section.

(b) Persons who move into a dwelling unit after the application for any necessary governmental permit or after any required condominium conversion notification or filing shall not be entitled to the assistance authorized by this section if such persons receive written notice from the property owner prior to taking possession of the dwelling unit that specifically describes the activity or condition that may result in their temporary or permanent displacement and advises them of their ineligibility for relocation assistance.

"PART IV - RESOURCE LANDS, CRITICAL AREAS, AND OPEN SPACE"

Sec. 36. RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17 are each amended to read as follows:

FOREST, AGRICULTURE, AND MINERAL RESOURCE LANDS AND CRITICAL AREAS--DESIGNATIONS. (1) On or before September 1, 1991, each county, and each city, shall designate where appropriate:

(a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;

(b) Forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;

(c) Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and

(d) Critical areas.

(2) In making the designations required by this section, counties and cities shall consider the guidelines established pursuant to RCW 36.70A.050.

(3) Once classified, such lands shall be protected according to RCW 36.70A.060 or section 38 of this act.

Sec. 37. RCW 36.70A.060 and 1990 1st ex.s. c 17 s 6 are each amended to read as follows:

FOREST, AGRICULTURE, AND MINERAL RESOURCE LANDS AND CRITICAL AREAS--DEVELOPMENT REGULATIONS. (1) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this ~~((section))~~ subsection may not prohibit uses ~~((permitted))~~ legally existing on any parcel prior to their adoption unless provisions are made for amortizing the use and shall remain in effect until ~~((a))~~ the county or city adopts development regulations pursuant to RCW 36.70A.120. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals. Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within three hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

(2) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, precluding land uses or development that is incompatible with the critical areas that are required to be designated under RCW 36.70A.170.

~~((2))~~ (3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

NEW SECTION. Sec. 38. **FOREST, AGRICULTURE, AND MINERAL RESOURCE LANDS AND CRITICAL AREAS--REMAINING JURISDICTIONS TO ADOPT DEVELOPMENT REGULATIONS.** (1) Each county and city not planning under RCW 36.70A.060 shall adopt development regulations on or before September 1, 1992, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption unless provisions are made for amortizing the use. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

(2) Each county and city covered by this section shall adopt development regulations on or before September 1, 1992, precluding land uses or development that is incompatible with the critical areas that are required to be designated under RCW 36.70A.170.

(3) Each county and city under this section shall perform its activities, including adoption of development regulations, and make capital budget decisions in conformity with their designations under RCW 36.70A.170.

NEW SECTION. Sec. 39. OPEN SPACE LANDS--IDENTIFICATION. In addition to designation of agricultural lands, forest lands, mineral resource lands, and critical areas as required under RCW 36.70A.170, every county and city required or choosing to plan under RCW 36.70A.040 shall identify existing open space lands permanently protected by the county or city by June 30, 1992. This identification shall be consistent with the requirements contained in RCW 36.70A.160.

NEW SECTION. Sec. 40. EXTENSION OF TIME TO DESIGNATE AND PROTECT FOREST, AGRICULTURE, AND MINERAL RESOURCE LANDS AND CRITICAL AREAS. The department may extend the date by which a county or city is required to designate agricultural lands, forest lands, mineral resource lands, and critical areas under RCW 36.70A.170, or the date by which a county or city is required to protect such lands and critical areas under RCW 36.70A.060, if the county or city demonstrates that it is proceeding in an orderly fashion, and is making a good faith effort, to meet these requirements. An extension may be for up to an additional one hundred eighty days. The length of an extension shall be based upon the difficulty of the effort to conform with these requirements.

Sec. 41. RCW 36.70A.050 and 1990 1st ex.s. c 17 s 5 are each amended to read as follows:

MINIMUM GUIDELINES TO CLASSIFY AGRICULTURE, FOREST, AND MINERAL LANDS AND CRITICAL AREAS. (1) Subject to the definitions provided in RCW 36.70A.030, the department shall adopt guidelines, under chapter 34.05 RCW, no later than September 1, 1990, to guide the classification of: (a) Agricultural lands; (b) forest lands; (c) mineral resource lands; and (d) critical areas. The department shall consult with the department of agriculture regarding guidelines for agricultural lands, the department of natural resources regarding forest lands and mineral resource lands, and the department of ecology regarding critical areas.

(2) In carrying out its duties under this section, the department shall consult with interested parties, including but not limited to: (a) Representatives of cities; (b) representatives of counties; (c) representatives of developers; (d) representatives of builders; (e) representatives of owners of agricultural lands, forest lands, and mining lands; (f) representatives of local economic development officials; (g) representatives of environmental organizations; (h) representatives of special districts; (i) representatives of the governor's office and federal and state agencies; and (j) representatives of Indian tribes. In addition to the consultation required under this subsection, the department shall conduct public hearings in the various regions of the state. The department shall consider the public input obtained at such public hearings when adopting the guidelines.

(3) The guidelines under subsection (1) of this section shall be minimum guidelines that apply to all (~~jurisdictions~~) counties and cities, but also shall allow for regional differences that exist in Washington state. The intent of these guidelines is to assist counties and cities in designating the classification of agricultural lands, forest lands, mineral resource lands, and critical areas under RCW 36.70A.170.

(4) The guidelines established by the department under this section regarding classification of forest lands shall not be inconsistent with guidelines adopted by the department of natural resources.

(5) Once classified, such lands shall be protected according to RCW 36.70A.060 and section 38 of this act.

NEW SECTION. Sec. 42. OPEN SPACE MAP. (1) To assist counties and cities in carrying out the goals and requirements of this chapter, the committee created in section 45 of this act shall prepare a state-wide open space map identifying existing areas of protected open space lands and networks as described in RCW 36.70A.020.

(2) The committee shall prepare the map and submit it to the governor and the joint select committee on growth management by December 1, 1992. The committee shall distribute the map to all counties and cities planning under RCW 36.70A.040 to adopt comprehensive land use plans under this chapter.

(3) The process shall consist of:

(a) The identification by the committee of existing open space lands protected by state agencies; and

(b) The identification, in those counties or cities planning under RCW 36.70A.040, of existing open space lands protected by counties and cities.

(4) The committee shall assist the department in developing guidelines pursuant to RCW 36.70A.070(9) to encourage open space networks which link together existing lands identified in subsection (3) of this section.

(5) In preparing the map, the committee shall cooperate to the maximum degree feasible with counties and cities preparing comprehensive plans under RCW 36.70A.040 and with counties and cities designating and adopting development regulations to protect forest, agricultural, and mineral resource lands and critical areas. The map is to be prepared using existing resources information available from federal, state, and local governments, including the designations of forest, agricultural, and mineral resource lands, and critical areas required under this chapter, designations of natural resources of state-wide significance required under section 47 of this act, and the identification of open space corridors provided for in RCW 36.70A.160. The committee shall provide opportunities for public review and comment during preparation of the map.

NEW SECTION. Sec. 43. OPEN SPACE MAP--STATE AGENCIES SHALL COOPERATE. To foster the efforts of counties and cities to identify and protect open space networks in their comprehensive plans and development regulations as required in RCW 36.70A.160 and this act, all state agencies with natural resources land management, regulation, or planning authorities shall cooperate with county and city efforts to protect open space lands and networks.

NEW SECTION. Sec. 44. OPEN SPACE PROTECTION. When open space is to be protected permanently for the purpose of public use and access, and is not necessary for protection of critical areas, a county or city shall do so by a permanent conveyance of sufficient interest to prevent its development. County and city governments may utilize a variety of methods to limit the future use of, or otherwise conserve, selected open space including, but not limited to, incentive zoning, the acquisition by gift, purchase, grant, bequest, devise, lease, or otherwise, the fee simple interest or lesser interest, transfer of development right, easement, covenant, or other contractual right.

NEW SECTION. Sec. 45. COMMITTEE ON NATURAL RESOURCES OF STATE-WIDE SIGNIFICANCE. There is created a committee consisting of the commissioner of public lands, the director of parks and recreation, the director of wildlife, the director of fisheries, the director of ecology, the director of community development, the director of the interagency committee for outdoor recreation, or their designees, one representative from the association of Washington cities, one representative from the Washington state association of counties, and by appointment of the governor, three members of the public. In selecting the three members of the public to serve on this committee, the governor shall keep in mind the diversity of the state's natural resources and the diverse needs of state residents. The director of community development shall serve as the chair of the committee and the department shall provide staff to the committee. Members employed by the state shall serve without additional pay, and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement individually for travel expenses incurred in performance of their duties as members of the committee in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 46. COMMITTEE ON NATURAL RESOURCES OF STATE-WIDE SIGNIFICANCE. (1) The committee established in section 45 of this act shall: (a) Develop recommendations on criteria to be used in identifying natural resources of state-wide significance; (b) develop recommendations on minimum standards to be used by counties and cities to protect natural resources of state-wide significance within their jurisdictions; and (c) assist the department in reviewing plans and development regulations as provided in section 56(2) of this act. In carrying out the responsibilities under (a) and (b) of this subsection, the committee shall consult with interested parties and shall conduct public hearings in the various regions of the state. The committee shall consider the public input obtained at such public hearings when developing the recommendations. These recommendations shall be submitted to the department on or before September 1, 1991.

(2) The department shall prepare final draft rules, under chapter 34.05 RCW, on criteria for identifying natural resources of state-wide significance and minimum standards for protecting natural resources of state-wide significance based on the recommendations prepared by the committee under subsection (1) of this section. These rules shall be submitted to the joint select committee on growth management created in section 60 of this act for review and shall take effect on May 1, 1992, unless they are rejected by the legislature during the 1992 session.

NEW SECTION. Sec. 47. DESIGNATION OF NATURAL RESOURCES OF STATE-WIDE SIGNIFICANCE. (1)(a) Every county and city shall identify and designate natural resources of state-wide significance located in its jurisdiction based on the criteria adopted by the department pursuant to section 46(2) of this act, to the extent that such natural resources occur within the county or city. Counties and cities may request assistance in identifying these natural resources from the departments of wildlife, ecology, fisheries, and natural resources, and the parks and recreation commission. If requested, these agencies shall, to the maximum extent feasible, provide assessments of which natural resources within the county's or city's jurisdiction meet the criteria established under section 46(2) of this act.

(b) When a county or a city designates a natural resource of state-wide significance that is not wholly contained in the jurisdiction making the designation, the county or city shall notify other counties and/or cities that may share a common interest in the designation.

(2) Every county and city that designates natural resources of state-wide significance shall adopt development regulations on or before September 1, 1992, precluding land uses or development incompatible with the level of protection required by the minimum standards adopted under section 46(2) of this act.

NEW SECTION. Sec. 48. INTERJURISDICTIONAL COORDINATION. When a natural resource of state-wide significance designated under section 47 of this act or a critical area designated under RCW 36.70A.170 crosses a city or county border, or where a designated natural resource of state-wide significance or critical area borders two or more counties or cities, these jurisdictions shall enter into negotiations to arrive at a mutually acceptable set of development regulations that preclude land uses or development that is incompatible with these designations. If the counties or cities cannot reach agreement, then the proposal from the jurisdiction with the strictest provisions for the protection of the shared natural resource of state-wide significance or critical area shall be adopted by all counties or cities involved in the negotiations, except that if a jurisdiction believes that other counties or cities have not negotiated in good faith to reach an agreement, the counties or cities may prepare alternative development regulations and request that the department review the adequacy of the alternative as provided in section 56(3) of this act.

NEW SECTION. Sec. 49. STATE TRUST LANDS. Nothing in this act shall be construed as affecting the state's obligation to manage federally granted trust lands for the primary benefit of the designated beneficiary.

"PART V - REGIONAL PLANNING"

NEW SECTION. Sec. 50. REGIONAL POLICY PLANS. (1) The legislature recognizes that counties are the regional governments within their boundaries, and cities are the primary providers of urban governmental services within urban growth areas. It is further recognized that cities are responsible to plan for and to provide services within their incorporated boundaries. The adopted regional policy plan shall ensure that city and county comprehensive plans are consistent with county-wide issues specified in subsection (5) of this section. For purposes of this section, a "regional policy plan" is a written policy statement or statements establishing a county-wide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a regional policy plan with the cooperation of cities located in whole or in part within the county as provided in this section. As soon as is practical after the effective date of this act, the legislative authority of the county shall convene a meeting with representatives of each city located in whole or in part within the county to establish a process leading to the adoption of a regional policy plan. No later than July 1, 1992, the legislative authority of the county shall adopt a regional policy plan according to this process and after holding a public hearing or hearings on the proposed regional policy plan. A regional policy plan shall address, at a minimum, the following elements:

- (a) Designation of rural lands and urban lands;
- (b) Distribution of future population and employment growth;
- (c) Promotion of contiguous development and provision of urban services;
- (d) Regional public capital facilities;
- (e) Regional transportation facilities and strategies;
- (f) Fair share of affordable housing;
- (g) Open space, buffers, and community separators;
- (h) New communities;
- (i) Annexation and incorporation; and
- (j) Economic development.

(3) Federal agencies may participate in and cooperate with the regional policy planning. Adopted regional policy plans shall be adhered to by state agencies to the maximum extent feasible.

(4) Failure to adopt a regional policy plan that does not meet the requirements of subsection (2) of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in section 74 of this act. In imposing a sanction or sanctions, the governor shall determine the precise reasons for failure to adopt a regional policy plan in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a regional policy plan.

(5) The comprehensive plans adopted under this chapter by the county and each city located in whole or in part within the county shall be consistent with the adopted regional policy plan.

(6) Cities and the governor may appeal adopted regional policy plans to the state growth management board within sixty days of the adoption of the regional policy plan.

(7) Regional policy plans may be adopted by two or more counties using the same procedure described in subsection (2) of this section, except that the legislative authorities of all of these counties shall convene the meeting with representatives of each city located in whole or in part within any of these counties to establish a process leading to the adoption of a regional policy plan throughout the multicounty region.

NEW SECTION. Sec. 51. A new section is added to chapter 43.63A RCW to read as follows:

REGIONAL ECONOMIC DEVELOPMENT PLANS. A regional economic development plan shall be developed by regions formed under section 50 of this act or developed voluntarily by counties and cities not planning under RCW 36.70A.040 and shall include, but is not limited to, the following contents:

(1) An economic profile and forecast of the region;
 (2) A set of economic development goals, objectives, and policies for the region;
 (3) An identification of priority development areas, as defined by the state agency coordinating council created in section 53 of this act, where there is a need for economic growth and where there is the physical capacity, realistic ability, and local support to attract such growth; and

(4) An identification of any economic development-related project of regional or state significance. When such a project is identified, the regional plan shall identify the financial impacts caused by the project and propose alternatives to address these impacts, including financing for infrastructure and transportation and public facilities necessitated by the project. The alternatives should include state assistance the region will seek to help offset the impacts of the project.

(5) A biennial regional economic development strategy that evaluates the results of the preceding economic development strategies; establishes short-term priorities; identifies tasks and responsibilities for implementation of adopted goals, objectives, and policies; and targets implementation efforts to priority development areas.

The plan element, including biennial strategy, must be developed with the full consultation, involvement, and support of cities, economic development organizations, and businesses within the region; and must be consistent with comprehensive plans required by counties and cities within the region. The department of trade and economic development shall adopt guidelines, definitions, and procedural rules, as necessary, to implement this section.

"PART VI - STATE AGENCY PLANNING AND REVIEW"

NEW SECTION. Sec. 52. **STATE AGENCIES REQUIRED TO PLAN CONSISTENT WITH PLANNING GOALS.** (1) State agencies proposing development shall: (a) Plan in conformance with the planning goals contained in RCW 36.70A.020; (b) notify the state agency coordinating council of the proposed development; (c) comply with local comprehensive plans and development regulations adopted pursuant to RCW 36.70A.040 and 36.70A.120; (d) comply with amendments to comprehensive land use plans as provided for in RCW 36.70A.130; and (e) comply with development regulations adopted pursuant to RCW 36.70A.060 and section 38 of this act. Nothing in this chapter shall be construed to alter the regulatory practices or policies of the utilities and transportation commission.

(2) The state shall also protect private property by evaluating whether proposed regulatory or administrative actions may result in a taking of private property or violation of due process. It is not the purpose of this subsection to expand or reduce the scope of private property protections provided in the state and federal Constitutions.

NEW SECTION. Sec. 53. **STATE AGENCY COORDINATING COUNCIL CREATED.** (1) There is hereby created in the office of the governor the state agency coordinating council. The council shall be comprised of thirteen members as follows:

- (a) The secretary of transportation;
- (b) The director of community development;
- (c) The director of ecology;
- (d) The director of trade and economic development;
- (e) The director of agriculture;
- (f) The commissioner of public lands;
- (g) The director of the parks and recreation commission;
- (h) The director of the office of financial management;
- (i) The director of wildlife;

- (j) The state treasurer;
- (k) The director of fisheries;
- (l) The director of general administration; and
- (m) The governor, who shall chair the council.

(2) The council may create an advisory committee to represent the private sector, the environmental community, cities and counties, the general public, and others as determined by the council.

(3) Staffing shall be provided by the state agencies on the council. Staffing shall be coordinated by the chair.

NEW SECTION. Sec. 54. STATE AGENCY COORDINATING COUNCIL--DUTIES. The state agency coordinating council shall:

(1) Make recommendations to the legislature and governor regarding:

(a) Developing a capital investment strategy that can coordinate the infrastructure planning and financing of all state agencies based on defined state policies and criteria, and coordinating state infrastructure planning and financing with regional organizations and counties and cities;

(b) Adopting a state policy of catching up and keeping up with infrastructure needs to sustain a healthy economy and a high quality of life. Given limited resources, the state should ensure that public infrastructure spending is efficient and serves desired growth strategies;

(c) Changing state agency programs and existing funds to reprioritize these programs and funds once a state capital investment strategy is adopted;

(d) Creating a new growth management financing account which would finance infrastructure needs based on regional economic planning under section 51 of this act;

(e) Providing incentives to counties and cities to comply with growth management requirements, including counties and cities not required to plan under RCW 36.70A.040; and

(2) Make agencies more responsive to businesses by directing and advising state agencies on improving the state permit process. Specific timeframes should be established by rule for the processing of permits.

(3) Identify priority development areas for the purposes of regional planning under section 51 of this act, and coordinate state assistance to economic development-related projects of regional or state significance under section 51(4) of this act.

(4) Coordinate state agencies in delivering economic development services and in enacting regulations so that the services and regulations are provided or enacted consistently and efficiently across agency lines. This shall include attempting to balance the state's need for environmental protection through regulation with the economic development needs of the state and counties and cities.

(5) Advise the governor on growth management issues, particularly ensuring that state agencies comply with section 52 of this act.

(6) Mediate issues or disputes among state agencies regarding the siting of regional and state public facilities.

NEW SECTION. Sec. 55. LIMITATIONS ON STATE RULE MAKING. In addition to the requirement for adopting guidelines to assist the designation of agricultural lands, forest lands, mineral resource lands, and critical areas, as specified under RCW 36.70A.050, the department shall adopt advisory guidelines, advisory model elements, and benchmarks to assist and provide guidance for counties and cities to adopt creative and locally appropriate comprehensive plans and development regulations meeting the goals and requirements of this chapter. The advisory guidelines shall reflect regional and local variations and the diversity that exist among the different counties and cities that plan under this chapter. The advisory model elements shall include options reflecting the regional and local variations and diversity that exist among the different counties and cities that plan under this chapter. The advisory model elements shall contain those items

that, if included in a county's or city's comprehensive plan and development regulations, would meet the goals and requirements of this chapter.

The department shall obtain input from counties, cities, and citizens throughout the state to assist in its development of these model elements and benchmarks.

NEW SECTION. Sec. 56. COMPREHENSIVE PLANS--DEVELOPMENT REGULATIONS--REVIEW AND COMMENT. (1) Each county and city preparing a comprehensive plan and/or development regulations, or amendments thereto, under this chapter shall submit its final draft plan and development regulations, or amendments, to the department before adoption. In addition, the county or city shall submit a copy of those documents to adjacent jurisdictions.

(2) The department shall review plans and development regulations, or amendments, for compliance with the goals and requirements of this chapter. The department shall compile its comments and forward the comments to the county or city within sixty days of receiving the draft plan and regulations, or amendments, or the department may be presumed to agree with the plan and regulations, or amendments, as submitted. This presumption of agreement shall not apply to changes in the proposed comprehensive plans or development regulations, or amendments, made after submission under this section.

(3)(a) The department, with assistance from the committee established under section 45 of this act, shall prepare an assessment of the degree to which these documents: (i) Meet the minimum standards required for protection of natural resources of state-wide significance; (ii) cumulatively provide adequate protection for resources of state-wide significance; and (iii) preclude land uses or development incompatible with critical areas.

(b) If a county or city would be required to adopt stricter development regulations under section 48 of this act than it believes are necessary, the department shall review the county's or city's proposed alternative development regulations as part of the assessment in subsection (3) of this section. Where the department finds that the proposed alternative development regulations adequately preclude land uses or development incompatible with critical areas and/or natural resources of state-wide significance, it shall recommend that the proposed alternative regulations provided for under section 48 of this act be adopted by the county or city. This recommendation shall be included in the comments prepared by the department.

(4) In addition to the comments provided under this section, counties and cities are encouraged to seek comments from the department, other state agencies, and adjacent jurisdictions on proposed comprehensive plans and development regulations, and any amendments proposed after initial adoption, throughout their development. This consultation should supplement the public involvement opportunities under RCW 36.70A.140.

NEW SECTION. Sec. 57. FILING OF PLANS AND DEVELOPMENT REGULATIONS--AMENDMENTS. (1) Each county and city planning under this chapter shall send a complete and accurate copy of its comprehensive plan and/or development regulations, or amendment thereof, to the department within thirty working days after final adoption. The period for filing requests for review of comprehensive plans or development regulations with the board shall start once the department has received a complete submission of all required materials.

(2) Any amendments that are adopted by a county or city to its adopted plan or regulations shall be submitted for comment and filed with the department after adoption in the same manner as for initial plans and regulations under this section.

Sec. 58. RCW 36.70A.190 and 1990 1st ex.s. c 17 s 20 are each amended to read as follows:

TECHNICAL ASSISTANCE, GRANTS, AND MEDIATION SERVICES. (1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040 and for counties and cities that take actions under this chapter relating to agricultural lands, forest lands, mineral resource lands, and critical areas. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, the need for the assistance, the extent to which the county and adjacent jurisdictions are engaging in cooperative regional planning efforts, and other relevant factors.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for ~~((the preparation of comprehensive plans))~~ activities under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan, development regulations, and actions relating to agricultural lands, forest lands, mineral resource lands, and critical areas as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in ~~((the development of))~~ preparing comprehensive plans and development regulations, and taking actions relating to agricultural lands, forest lands, mineral resource lands, and critical areas, required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

NEW SECTION. Sec. 59. MONITORING AND EVALUATION. The department shall establish a system for monitoring the effectiveness of state, regional, county and city efforts to prepare and to implement comprehensive plans and development regulations in compliance with the goals contained in RCW 36.70A.020, and the designation and protection of agricultural lands, forest lands, mineral resource lands, and critical areas required in this chapter. The monitoring system shall include quantitative and qualitative measures.

NEW SECTION. Sec. 60. MONITORING BY THE LEGISLATURE. A joint select committee on growth management is created that is composed of sixteen members. The speaker of the house of representatives shall appoint four members from each of the two major caucuses in the house of representatives and the president of the senate shall appoint four members from each of the two major caucuses in the senate. A staggering of the chair of the committee shall occur so that a member of each of the four caucuses serves as the chair for a one-year term once every four years.

The committee shall: (1) Advise the department on any matters concerning growth management within the jurisdiction of the department; (2) review and make recommendations to the legislature on the goals, guidelines, and rules adopted by the department and on proposals to improve the growth management regulatory process; and (3) monitor the cumulative effects of the efforts of counties and cities to implement the goals and requirements of this chapter.

NEW SECTION. Sec. 61. AIR QUALITY IMPACTS. The department of community development, in consultation with the department of ecology, the department

of transportation, and the Washington state energy office, shall establish a methodology for determining the air quality impacts of new development. The methodology shall measure all direct and indirect sources of air pollution that are generated by various types of residential, commercial, and industrial development and their associated transportation systems. The department shall also develop model strategies for mitigating air quality impacts of new development.

NEW SECTION. Sec. 62. A new section is added to chapter 43.17 RCW to read as follows:

REGULATORY AGENCY STAFF DESIGNATIONS. (1) All state agencies shall designate a staff person within the agency who is knowledgeable regarding the agency's regulations that affect businesses. When requested, this designated staff person shall provide a list of all applicable agency regulations that apply to a specific business. The designated staff person shall, upon request, provide a written statement listing all requirements that must be satisfied to obtain a specified permit or other approval.

(2) The designated staff person under subsection (1) of this section shall provide a list of agency regulations that apply to a specific business to the business assistance center when so requested by the business assistance center.

NEW SECTION. Sec. 63. A new section is added to chapter 43.31 RCW to read as follows:

REGULATION LISTS BY THE BUSINESS ASSISTANCE CENTER. The business assistance center shall coordinate the provision of better and more reliable information by state agencies regarding state regulations that affect specific businesses. When requested, the business assistance center shall compile a list of specific regulations that apply to a specific business by obtaining a list from designated staff persons, under section 62 of this act, in each applicable agency.

NEW SECTION. Sec. 64. A new section is added to chapter 19.85 RCW to read as follows:

BUSINESS INPUT IN AGENCY RULEMAKING. When any rule is proposed for which a small business economic impact statement is required, the agency shall:

(1) Give notice to small businesses of the proposed rule through direct notification of known interested small businesses affected by the proposed rule, notice to business or trade organizations, and publication of a general notice of the proposed rule in a publication likely to be obtained by businesses of the type affected by the proposed rule; and

(2) Appoint a committee, as provided in RCW 34.05.310, to comment on the proposed rule before the publication of the notice of proposed rule adoption under RCW 34.05.320.

"PART VII - GROWTH MANAGEMENT HEARINGS BOARD"

NEW SECTION. Sec. 65. **BOARD ESTABLISHED--MEMBERSHIP--CHAIR--QUORUM FOR DECISION--EXPENSES OF MEMBERS.** (1) The growth management hearings board is a quasi-judicial board hereby established within the environmental hearings office under RCW 43.21B.005. The board shall consist of five members, three full time and two part time members:

(a) The full-time members shall be appointed by the governor and subject to confirmation by the senate. Initial members shall be appointed to staggered terms as follows: One member shall be appointed to a four-year term and two members to six-year terms. Thereafter, members shall be appointed to six-year terms. The governor shall appoint one of the full-time members as chairperson. The governor may remove a member only for cause.

(b) The part-time members shall be selected on a rotating basis by the board chairperson from a list provided by the applicable associations. One part-time member shall represent counties or cities, and the other part-time member shall represent the private sector or the general public.

(2) Any member or members of the board, or other person or persons designated by the chairperson, may hold hearings and take testimony so long as a full and complete record is transmitted to the board as required under RCW 34.05.461. In addition to the board's staff, the chairperson may designate a list of presiding officers who are qualified to hold such hearings.

(3) The board may authorize by rule initial orders to be entered by those presiding officers who are not members of the board. The board may also provide by rule that initial orders in specified classes of cases may become final without further board action. However, if a member of the board determines that an initial order should be reviewed, or a party to the proceedings files a petition for administrative review of the initial order, the initial order shall not become final until the board has approved it.

(4) Three or more members of the board shall constitute a quorum for issuance of final orders by the board. A decision of the board must be agreed to by at least three members to be final.

(5) Board members shall receive compensation, travel, and subsistence expenses as provided in RCW 43.21B.050.

NEW SECTION. Sec. 66. MATTERS SUBJECT TO BOARD REVIEW--FINAL ORDERS. (1) The board shall review the following matters if requested by a regional planning organization or a county or city that plans under this chapter if such a request for review is made within sixty days of the action to be reviewed:

(a) The consistency of plans and development regulations subject to this chapter with the goals and requirements of this chapter, and the rules adopted under this chapter;

(b) Compliance by counties, cities, special districts, and state agencies with the interjurisdictional requirements under this chapter, including interjurisdictional consistency, and designation of urban growth areas;

(c) Compliance by counties, cities, special districts, or state agencies with the requirements of this chapter, including deadlines and other matters relating to implementation; and

(d) Determination of issues related to consistency of state agency or special district proposals to locate facilities with plans and development regulations subject to this chapter. Any decisions by the board relating to location of state facilities shall require consistency to the maximum extent practicable, as determined by the board.

(2) The board shall also review the requests, if such requests for review are made within sixty days of the action to be reviewed, by:

(a) Any person requesting review of any matter in subsection (1) of this section if that person testified orally or in writing to the county or city regarding the matter on which a review is being requested;

(b) Any person requesting review of any matter in subsection (1) of this section if the governor certifies the request within thirty days of the filing of the request with the board. The person requesting board review shall file a copy of the request with the board and the governor within sixty days of the action on which a board review is requested; or

(c) Any person aggrieved by the granting, denying, or rescinding of a permit based on development regulations adopted under this chapter.

(3) The board shall review matters requested by the governor or the commissioner of public lands as provided in section 67 of this act.

(4) The board shall review the matter brought before it, as provided in this section, and issue a final order, as appropriate, affirming, reversing, or remanding the plan, regulation, or other decision subject to review under this chapter. The board shall issue a final order within one hundred eighty days of a request for review, unless an extension is justified for reasons beyond the control of the board. Such a final order shall be based exclusively on whether the plan, regulation, or other decision subject to review under this chapter is consistent with the goals and requirements of this chapter.

(5) The board, when appropriate, shall consolidate all requests for review for each plan and for development regulations.

(6) The review proceedings authorized in this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

(7) Unless clearly contrary to sections 65 and 66 of this act, the following are applicable to the board created in section 65 of this act: RCW 43.21B.040, 43.21B.060, 43.21B.090, and 43.21B.100.

NEW SECTION. Sec. 67. LIMITATIONS ON APPEAL BY THE STATE. (1) An appeal by the state to the growth management hearings board may be made only by the governor, or by the commissioner of public lands only as relating to state trust lands, for the growth management hearings board's review of whether: (a) A county or city that is required or chooses to plan under RCW 36.70A.040 has failed to adopt the comprehensive plans or development regulations that are required by this chapter; (b) a county or city that is required or chooses to plan under this chapter has adopted comprehensive plans or development regulations that do not conform with the goals and requirements of this chapter, as limited in subsection (2) of this section; or (c) where comprehensive plans and development regulations have been adopted conforming with the goals and requirements of this chapter, a substantial pattern of abuse exists by the county or city issuing permits not conforming with its comprehensive plans and development regulations. The department shall make recommendations to the governor on such appeals and the department of transportation shall make recommendations on such appeals relating to transportation matters.

An appeal by the governor or commissioner of public lands shall be in writing and shall detail the alleged violation and include a finding that the violation is of such significance as to warrant review by the growth management hearings board.

(2) An appeal by the governor or the commissioner of public lands, relating to whether comprehensive plans or development regulations conform with the goals and requirements of this chapter, must be filed with the growth management hearings board within sixty days of submittal of the plans or development regulations, or amendments to the plans or development regulations, to the department and is limited to allegations that the comprehensive plans or development regulations:

(a) Do not prevent low-density sprawl by failing to provide: (i) Concentrated employment centers and sufficient residential densities to facilitate public transit; (ii) an adequate balance of housing and job opportunities; or (iii) restrictions precluding suburban or urban development beyond the ten-year tier, until the ten-year tier has been developed substantially;

(b) Do not permit a mix of housing types providing for the fair share distribution of housing opportunities for persons of low and moderate income within the urban growth areas;

(c) Do not prevent the loss of agricultural lands or forest lands with long-term commercial significance;

(d) Do not prevent the substantial loss of critical areas;

(e) Do not reduce the impact of flooding by protecting storm water and drainage systems or natural systems that lessen surface water runoff, including wetland areas;

(f) Do not include a capital facilities plan element or transportation element that is coordinated or consistent with the land use element or do not include a feasible plan to adequately finance the capital facilities plan element or transportation element;

(g) Do not preclude patterns of development that increase air and water pollution beyond state or federal standards;

(h) Do not: (i) Address existing or projected traffic congestion through demand management or transportation system management strategies; (ii) coordinate and protect existing and future transportation corridors; and (iii) implement regional transportation plans;

- (i) Do not include adequate open space or greenbelt areas;
- (j) Were prepared without adequate public participation;
- (k) Were arbitrary or discriminatory in planning for or regulating state trust lands;

or

- (l) Do not adequately protect natural resources of state-wide significance.

NEW SECTION. Sec. 68. **PRESUMPTION OF VALIDITY--BURDEN OF PROOF--PLANS AND REGULATIONS.** Comprehensive plans and development regulations adopted under this chapter are presumed valid upon adoption. In any request for review of a comprehensive plan or development regulation permitted under this chapter, the requesting party shall have the burden of demonstrating that the comprehensive plan or development regulation is not consistent with the goals or requirements of this chapter, or the rules adopted under this chapter. In reviews of development regulations, when consistency of the development regulation with the plan of the affected jurisdiction is at issue, the requesting party must also bear the burden of demonstrating that the development regulation is not consistent with the comprehensive plan.

NEW SECTION. Sec. 69. **BOARD MAY ADOPT PROCEDURAL RULES.** The board may adopt rules under chapter 34.05 RCW governing the administrative practice and procedure in and before the board.

NEW SECTION. Sec. 70. **OTHER APPEAL RIGHTS.** (1) Any party aggrieved by a final decision of the hearings board may appeal the decision to Thurston county superior court.

(2) Failing to obtain review under this chapter of a plan, regulation, or amendment thereto, development action, or other matter concerning compliance with the requirements of this chapter, rules adopted under this chapter, or order of the board shall not affect other appeal rights otherwise available by law.

"PART VIII - INCENTIVES AND SANCTIONS"

Sec. 71. RCW 43.155.070 and 1990 1st ex.s. c 17 s 82 are each amended to read as follows:

BOARD TO CONSIDER WHETHER REGIONAL PLANS ARE ADOPTED WHEN MAKING LOANS. (1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs; ~~((and))~~

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors; and

(d) A county, city, or town that is required or chooses to plan under RCW 36.70A.040 must have adopted a comprehensive plan in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan be adopted, and must have adopted development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(f) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(g) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; ~~((and))~~

(h) The existence of regional policy plans as provided in section 73 of this act; and

(i) Other criteria that the board considers advisable.

(3) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(4) Before November 1 of each year, the board shall develop and submit to the chairs of the ways and means committees of the senate and house of representatives a description of the emergency loans made under RCW 43.155.065 during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(5) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(6) Subsections (4) and (5) of this section do not apply to loans made for emergency public works projects under RCW 43.155.065.

Sec. 72. RCW 70.146.070 and 1986 c 3 s 10 are each amended to read as follows:

DEPARTMENT TO CONSIDER WHETHER REGIONAL PLANS ARE ADOPTED WHEN MAKING GRANTS OR LOANS. When making grants or loans for water pollution control facilities, the department shall consider the following:

(1) The protection of water quality and public health;

(2) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(3) Actions required under federal and state permits and compliance orders;

(4) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(5) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or

subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; ~~((and))~~

(6) The recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state; and

(7) The existence of regional policy plans as provided in section 73 of this act.

A county, city, or town that is required or chooses to plan under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan be adopted, or unless it has adopted development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted.

NEW SECTION. Sec. 73. A new section is added to chapter 43.01 RCW to read as follows:

REGIONAL PLANNING INCENTIVES. Whenever a state agency is considering awarding grants or loans for a county, city, or town to finance public facilities, it shall consider whether the county, city, or town that is requesting the grant or loan is a party to regional policy plans under section 50 of this act relating to the type of public facility for which the grant or loan is sought, and shall accord additional preference to the county, city, or town if such regional policy plans exist. Whenever a state agency is considering awarding grants or loans to a special district for public facilities, it shall consider whether the county, city, or town in whose planning jurisdiction the proposed facility is located is a party to regional policy plans under section 50 of this act relating to the type of public facility for which the grant or loan is sought, and shall accord additional preference to the special district if such regional policy plans exist.

NEW SECTION. Sec. 74. **NONCOMPLIANCE AND SANCTIONS.** (1) The department may find a county, city, or state agency in noncompliance if:

(a) A county or city that is required or chooses to plan under RCW 36.70A.040 does not complete its comprehensive land use plan by the dates required or by the department's schedule for submittal; or

(b) The board has heard an appeal and issued a final order on a county's or city's comprehensive plan, development regulations, or a state agency's plans or actions, and the county, city, or state agency has not complied with the order within one year. If the department finds a county, city, or state agency in noncompliance, the department may request the governor to invoke one or more of the sanctions provided in subsection (2) of this section. The department shall attempt to resolve issues causing noncompliance prior to requesting the governor to invoke one or more of the sanctions.

(2) If requested, the governor may either:

(a) Notify and direct the director of the office of financial management to revise allotments in appropriation levels;

(b) Notify and direct the state treasurer to withhold the portion of revenues to which the county or city is entitled under one or more of the following: The motor vehicle fuel tax, as provided in chapter 82.36 RCW; the transportation improvement account as provided in RCW 47.26.084; the urban arterial trust account as provided in RCW 47.26.080; the rural arterial trust account as provided in RCW 36.79.150; the sales and use tax, as provided in chapter 82.14 RCW; the liquor profit tax, as provided in RCW 66.08.190; and the liquor excise tax, as provided in RCW 82.08.170; or

(c) File a notice of noncompliance with the secretary of state and the county or city, which shall temporarily rescind the county or city's authority to collect the real estate excise tax under RCW 82.46.030 until the governor files a notice rescinding the notice of noncompliance.

Sec. 75. RCW 43.88.110 and 1987 c 502 s 5 are each amended to read as follows:

EXPENDITURE PROGRAMS--ALLOTMENTS--RESERVES. This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds. Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(1) The director of financial management shall provide all agencies with a complete set of instructions for preparing a statement of proposed expenditures at least thirty days before the beginning of a fiscal period. The set of instructions need not include specific appropriation amounts for the agency.

(2) Within forty-five days after the beginning of the fiscal period or within forty-five days after the governor signs the omnibus biennial appropriations act, whichever is later, all agencies shall submit to the governor a statement of proposed expenditures at such times and in such form as may be required by the governor. If at any time during the fiscal period the governor projects a cash deficit as defined by RCW 43.88.050, the governor shall make across-the-board reductions in allotments so as to prevent a cash deficit, unless the legislature has directed the liquidation of the cash deficit over one or more fiscal periods. Except for the legislative and judicial branches and other agencies headed by elective officials, the governor shall review the statement of proposed expenditures for reasonableness and conformance with legislative intent. Once the governor approves the statements of proposed expenditures, further revisions shall be made only at the beginning of the second fiscal year and must be initiated by the governor. However, changes in appropriation level authorized by the legislature, changes required by across-the-board reductions mandated by the governor, ~~(and)~~ changes caused by executive increases to spending authority, and changes caused by executive decreases to spending authority for failure to comply with the provisions of chapter 36.70A RCW may require additional revisions. Revisions shall not be made retroactively. Revisions caused by executive increases to spending authority shall not be made after June 30, 1987. However, the governor may assign to a reserve status any portion of an agency appropriation withheld as part of across-the-board reductions made by the governor and any portion of an agency appropriation conditioned on a contingent event by the appropriations act. The governor may remove these amounts from reserve status if the across-the-board reductions are subsequently modified or if the contingent event occurs. The director of financial management shall enter approved statements of proposed expenditures into the state budgeting, accounting, and reporting system within forty-five days after receipt of the proposed statements from the agencies. If an agency or the director of financial management is unable to meet these requirements, the director of financial management shall provide a timely explanation in writing to the legislative fiscal committees.

(3) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. Within ninety days of the end of the fiscal year, all agencies shall submit to the director of financial management their final adjustments to close their books for the fiscal year. Prior to submitting fiscal data, written or oral, to committees of the legislature, it is the responsibility of the agency submitting the data to reconcile it with the budget and accounting data reported by the agency to the director of financial management. The director of financial management shall monitor agency expenditures against the approved statement of proposed expenditures and shall provide the legislature with quarterly explanations of major variances.

(4) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees.

Sec. 76. RCW 36.79.150 and 1983 1st ex.s. c 49 s 15 are each amended to read as follows:

RURAL ARTERIAL TRUST ACCOUNT. (1) Whenever the board approves a rural arterial project it shall determine the amount of rural arterial trust account funds to be allocated for such project. The allocation shall be based upon information contained in the six-year plan submitted by the county seeking approval of the project and upon such further investigation as the board deems necessary. The board shall adopt reasonable rules pursuant to which rural arterial trust account funds allocated to a project may be increased upon a subsequent application of the county constructing the project. The rules adopted by the board shall take into account, but shall not be limited to, the following factors: ~~((1))~~ (a) The financial effect of increasing the original allocation for the project upon other rural arterial projects either approved or requested; ~~((2))~~ (b) whether the project for which an additional allocation is requested can be reduced in scope while retaining a usable segment; ~~((3))~~ (c) whether the original cost of the project shown in the applicant's six-year program was based upon reasonable engineering estimates; and ~~((4))~~ (d) whether the requested additional allocation is to pay for an expansion in the scope of work originally approved.

(2) The board shall not allocate funds, nor make payments under RCW 36.79.160, to any county or city identified by the governor as not being in compliance with section 74 of this act.

Sec. 77. RCW 47.26.080 and 1988 c 167 s 13 are each amended to read as follows:

URBAN ARTERIAL TRUST ACCOUNT. There is hereby created in the motor vehicle fund the urban arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account shall be expended for the construction and improvement of city arterial streets and county arterial roads within urban areas, for expenses of the transportation improvement board, or for the payment of principal or interest on bonds issued for the purpose of constructing or improving city arterial streets and county arterial roads within urban areas, or for reimbursement to the state, counties, cities, and towns in accordance with RCW 47.26.4252 and 47.26.4254, the amount of any payments made on principal or interest on urban arterial trust account bonds from motor vehicle or special fuel tax revenues which were distributable to the state, counties, cities, and towns.

The board shall not allocate funds, nor make payments of the funds under RCW 47.26.260, to any county or city identified by the governor as not being in compliance with section 74 of this act.

Sec. 78. RCW 82.46.035 and 1990 1st ex.s. c 17 s 38 are each amended to read as follows:

ADDITIONAL TAX--CERTAIN COUNTIES--BALLOT PROPOSITION--USE LIMITED TO CAPITAL PROJECTS. (1) The governing body of any county or any city that plans under RCW 36.70A.040(1) may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. Any county choosing to plan under RCW 36.70A.040(2) and any city within such a county may only adopt an ordinance imposing the excise tax authorized by this section if the ordinance is first authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters.

(2) Revenues generated from the tax imposed under subsection (1) of this section shall be used by such counties and cities solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan.

(3) Revenues generated by the tax imposed by this section shall be deposited in a separate account.

(4) As used in this section, "city" means any city or town.

(5) When the governor files a notice of noncompliance based on section 74 of this act with the secretary of state and the appropriate county or city, the county or city's authority to impose the additional excise tax under this section shall be temporarily rescinded until the governor files a subsequent notice rescinding the notice of noncompliance.

Sec. 79. RCW 66.08.190 and 1988 c 229 s 4 are each amended to read as follows:

LIQUOR REVOLVING FUND--DISBURSEMENT OF EXCESS FUNDS TO STATE, COUNTIES AND CITIES. When excess funds are distributed, all moneys subject to distribution shall be disbursed as follows:

(1) Three-tenths of one percent to the department of community development to be allocated to border areas under RCW 66.08.195; and

(2) From the amount remaining after distribution under subsection (1) of this section, fifty percent to the general fund of the state, ten percent to the counties of the state, and forty percent to the incorporated cities and towns of the state.

(3) The governor may notify and direct the state treasurer to withhold the revenues to which the counties and cities are entitled under this section if the counties or cities are found to be in noncompliance pursuant to section 74 of this act.

NEW SECTION. Sec. 80. A new section is added to chapter 82.14 RCW to read as follows:

WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify and direct the state treasurer to withhold the revenues to which the county or city is entitled under this chapter if a county or city is found to be in noncompliance pursuant to section 74 of this act.

NEW SECTION. Sec. 81. A new section is added to chapter 82.08 RCW to read as follows:

WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify and direct the state treasurer to withhold the revenues to which the counties and cities are entitled under RCW 82.08.170 if the counties or cities are found to be in noncompliance pursuant to section 74 of this act.

"PART IX - TRANSPORTATION"

Sec. 82. RCW 36.79.080 and 1983 1st ex.s. c 49 s 8 are each amended to read as follows:

PROJECT CRITERIA--RURAL ARTERIAL PROGRAM. In preparing their respective six-year programs relating to rural arterial improvements, counties shall select specific priority improvement projects for each functional class of arterial based on the rating of each arterial section proposed to be improved in relation to other arterial sections within the same functional class, taking into account the following:

(1) Its structural ability to carry loads imposed upon it;

(2) Its capacity to ~~((move traffic at reasonable speeds;~~

(3)) provide efficient, dependable, and rapid accessibility for movement of people and goods including access management provisions under chapter 47.26 RCW;

(3) Its consistency with local and regional transportation and land use plans;

(4) Its consistency with state, regional, and local transit plans, where applicable;

(5) Its consistency with state, regional, and local freight rail considerations;

(6) Its adequacy of alignment and related geometrics;

~~((4)) (7) Its accident experience; and~~

~~((5)) (8) Its fatal accident experience.~~

With assistance from regional transportation planning organizations, where applicable, adjacent counties, and the county road administration board, long-term plans shall be used to guide development of the six-year programs. The six-year construction programs shall remain flexible and subject to annual revision as provided in RCW 36.81.121.

Sec. 83. RCW 36.81.121 and 1990 1st ex.s. c 17 s 58 are each amended to read as follows:

SIX-YEAR COUNTY ROAD PLANS. (1) Before July 1st of each year, the legislative authority of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six calendar years. If the county has adopted a comprehensive plan pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of a charter county derived from its charter, or chapter 36.70A RCW, the program shall be consistent with this comprehensive plan.

The program shall include proposed road and bridge construction work, and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and related facilities. Copies of the program shall be filed with the county road administration board (~~and with~~), the state secretary of transportation, and the regional transportation planning organization, where applicable, not more than thirty days after its adoption by the legislative authority. The purpose of this section is to assure that each county shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated road construction program that reflects the transportation goals set forth in chapter 36.70A RCW. The program may at any time be revised by a majority of the legislative authority but only after a public hearing thereon.

(2) The six-year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six-year program for arterial road construction based upon its long-range construction plan and formulated in accordance with regulations of the transportation improvement board. The six-year program for arterial road construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative authority of each county. The six-year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority of each county may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial road construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial roads than for minor and collector arterial roads, pursuant to regulations of the transportation improvement board.

(3) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and equestrian purposes.

Sec. 84. RCW 47.05.030 and 1987 c 179 s 2 are each amended to read as follows:

PRIORITY PROGRAMMING FOR STATE HIGHWAYS. The transportation commission shall adopt and periodically revise, after consultation with the legislative transportation committee, a comprehensive six-year program and financial plan for highway improvements specifying program objectives for each of the highway categories, "A," "B," "C," and "H," defined in this section, and within the framework of estimated funds for such period. The program and plan shall be based upon the improvement needs ((for state highways as determined by the department from time to time)) identified in the state highway system plan, as required under section 93 of this act.

With such reasonable deviations as may be required to effectively utilize the estimated funds and to adjust to unanticipated delays in programmed projects, the commission shall allocate the estimated funds among the following described categories of highway improvements, so as to carry out the commission's program objectives:

(1) Category A shall consist of those improvements necessary to sustain the structural, safety, and operational integrity of the existing state highway system (other than improvements to the interstate system to be funded with federal aid at the regular

interstate rate under federal law and regulations, and improvements designated in subsections (2) through (4) of this section).

(2) Category B shall consist of improvements for the continued development of the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations.

(3) Category C shall consist of the development of major transportation improvements (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations) including designated but unconstructed highways which are vital to the state-wide transportation network.

(4) Category H shall consist of those improvements necessary to sustain the structural and operational integrity of existing bridges on the highway system (other than bridges on the interstate system or bridge work included in another category because of its association with a highway project in such category).

Projects which are financed one hundred percent by federal funds or other agency funds shall, if the commission determines that such work will improve the state highway system, be managed separately from the above categories.

Sec. 85. RCW 47.26.084 and 1988 c 167 s 2 are each amended to read as follows:

PROJECT CRITERIA--TRANSPORTATION IMPROVEMENT ACCOUNT. The transportation improvement account is hereby created in the motor vehicle fund. The board shall adopt rules and procedures which shall govern the allocation of funds in the transportation improvement account at such time as funds become available.

The board shall allocate funds from the account by June 30 of each year for the ensuing fiscal year and shall endeavor to provide geographical diversity in selecting improvement projects to be funded from the account.

Of the amount made available to the transportation improvement board from the transportation improvement account for improvement projects:

(1) Eighty-seven percent shall be allocated to counties, to cities with a population of over five thousand, and to transportation benefit districts. Improvement projects may include, but are not limited to, multi-agency and suburban arterial improvement projects.

~~(To be eligible to receive these funds, a project must be (a) consistent with state, regional, and local transportation plans and consideration shall be given to the project's relationship, both actual and potential, with rapid mass transit and at such time as a rail plan is developed by the rail development commission, projects must be consistent therewith, (b) necessitated by existing or reasonably foreseeable congestion levels attributable to economic development or growth, and (c) partially funded by local government or private contributions, or a combination of such contributions.)~~ Before awarding funding for any specific project the transportation improvement board shall determine if the following criteria have been considered:

(a) The project is necessitated by existing or reasonably foreseeable congestion levels attributable to economic development or growth;

(b) The project emphasizes the movement of people and goods rather than vehicles;

(c) The project includes, where appropriate, other modes of transportation such as transit, high occupancy vehicle lanes, and high-capacity transit;

(d) The project conforms to local and regional transportation plans and county, city, and town comprehensive plans including access management provisions;

(e) The project is consistent with local and regional high-capacity transportation considerations;

(f) The project is consistent with state, regional, and local freight rail considerations in accordance with RCW 47.80.030; and

(g) The project is partially funded by local government or private contributions, or a combination of such contributions.

The board shall, for those projects meeting the eligibility criteria, determine what percentage of each project is funded by local and/or private contribution. Priority

consideration shall be given to those projects with the greatest percentage of local and/or private contribution.

Within one year after board approval of an application for funding, a county, city, or transportation benefit district shall provide written certification to the board of the pledged local and/or private funding. Funds allocated to an applicant that does not certify its funding within one year after approval may be reallocated by the board.

(2) Thirteen percent shall be allocated by the board to cities with a population of five thousand or less for street improvement projects in a manner determined by the board.

The board shall not allocate funds, nor make payments of the funds under RCW 47.26.265, to any county or city identified by the governor as not being in compliance with section 74 of this act. The board shall reduce its allocation of funds to any public benefit district in proportion to the proportion of improvements being made to the roads of any county or the streets of any city which is identified by the governor as not being in compliance with section 74 of this act.

Sec. 86. RCW 47.26.220 and 1989 c 160 s 1 are each amended to read as follows:

PROJECT CRITERIA--URBAN ARTERIAL TRUST ACCOUNT. Counties and cities, in preparing their respective six year programs relating to urban arterial improvements to be funded by the urban arterial trust account, shall select specific priority improvement projects for each functional class of arterial based on the rating of each arterial section proposed to be improved in relation to other arterial sections within the same functional class, taking into account the following:

(1) Its structural ability to carry loads imposed upon it;
 (2) Its capacity to ~~((move traffic and persons at reasonable speeds without undue congestion))~~ provide efficient, dependable, and rapid accessibility for movement of people and goods;

(3) Its adequacy of alignment and related geometrics;

(4) Its accident experience; ~~((and))~~

(5) Its fatal accident experience;

(6) Its consistency with local and regional transportation and land use plans including access management provisions;

(7) Its consistency with regional and local high-capacity transportation considerations;

(8) Its consistency with state, regional, and local freight rail considerations. The six-year construction programs shall remain flexible and subject to annual revision as provided in RCW 36.81.121 and 35.77.010.

Sec. 87. RCW 35.58.2795 and 1990 1st ex.s. c 17 s 60 are each amended to read as follows:

SIX-YEAR TRANSIT PLANS. By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, shall prepare a six-year transit development and financial program for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the inherent authority of a first class city or charter county derived from its charter, or chapter 36.70A RCW. The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. Each municipality shall file the six-year program with the state department of transportation, the transportation improvement board, and cities, counties, and regional transportation planning ~~((councils))~~ organizations within which the municipality is located.

In developing its program, the municipality shall consider those policy recommendations affecting public transportation contained in the state transportation

policy plan approved by the state transportation commission and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

Sec. 88. RCW 35.58.2796 and 1989 c 396 s 2 are each amended to read as follows:

ANNUAL TRANSIT REPORTS. The department of transportation shall develop an annual report summarizing the status of public transportation systems in the state. By September 1st of each year, copies of the report shall be submitted to the legislative transportation committee and to each municipality, as defined in RCW 35.58.272, and to individual members of the municipality's legislative authority. ~~((The department shall prepare and submit a preliminary report by December 1, 1989.))~~

To assist the department with preparation of the report, each municipality shall file a system report by ~~((April))~~ May 1st of each year with the state department of transportation identifying its public transportation services for the previous calendar year and its objectives for improving the efficiency and effectiveness of those services. The system report shall address those items required for each public transportation system in the department's report.

The department report shall describe individual public transportation systems, including contracted transportation services and dial-a-ride services, and include a state-wide summary of public transportation issues and data. The descriptions shall include the following elements and such other elements as the department deems appropriate after consultation with the municipalities and the legislative transportation committee:

- (1) Equipment and facilities, including vehicle replacement standards;
- (2) Services and service standards;
- (3) Revenues, expenses, and ending balances, by fund source;
- (4) Policy issues and system improvement objectives, including community participation in development of those objectives and how those objectives address state-wide transportation priorities;
- (5) Operating indicators applied to public transportation services, revenues, and expenses. Operating indicators shall include, but not be limited to, operating cost per unlinked passenger trip, operating cost per ~~((revenue))~~ passenger vehicle service hour, unlinked passenger trips per ~~((revenue))~~ passenger vehicle service hour, unlinked passenger trips per passenger vehicle service mile, passenger vehicle service hours per employee, change in unlinked passenger trips compared to change in population, and farebox revenue as a percent of operating costs;

(6) Mode split trends and objectives that shall be addressed for those public transportation systems deemed appropriate by the department, and on a regional basis as warranted.

Sec. 89. RCW 36.57A.060 and 1975 1st ex.s. c 270 s 16 are each amended to read as follows:

COMPREHENSIVE TRANSIT PLANS--NEW SYSTEMS. The public transportation benefit area authority authorized pursuant to RCW 36.57A.050 shall develop a comprehensive transit plan for the area. Such plan shall include, but not be limited to the following elements:

- (1) The levels of transit service that can be reasonably provided for various portions of the benefit area.
- (2) The funding requirements, including local tax sources, state and federal funds, necessary to provide various levels of service within the area.
- (3) The identification of transportation elements of the county, city, or town comprehensive plans and regional transportation plans with which the comprehensive transit plan must be consistent.
- (4) The impact of such a transportation program on other transit systems operating within that county or adjacent counties.

((4)) (5) The future enlargement of the benefit area or the consolidation of such benefit area with other transit systems.

Sec. 90. RCW 47.80.040 and 1990 1st ex.s. c 17 s 56 are each amended to read as follows:

PLANNING ORGANIZATION BOARD. Each regional transportation planning organization shall create a transportation policy board. Transportation policy boards shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, port districts, and member cities, towns, and counties within the region to participate in policy making. Citizens or citizen organizations may also be represented on the board.

NEW SECTION. Sec. 91. **PLANNING GUIDELINES.** The legislature recognizes that the ownership and operation of Washington's transportation system is spread among federal, state, and local government agencies, regional transit agencies, port districts, and the private sector. Therefore, transportation planning must be a comprehensive and coordinated effort. The specific role of the department in transportation planning shall be (1) ongoing coordination and development of state-wide transportation policies that guide all Washington transportation providers, (2) ongoing system planning for state transportation systems that identifies investment needs and meets federal requirements for state-wide transportation plans, (3) coordinating the state high-capacity transportation planning and regional transportation planning programs, and (4) conducting special transportation planning studies that impact state transportation facilities or relate to transportation issues of state-wide significance. Specific requirements for each of these state transportation planning components are described in this chapter.

NEW SECTION. Sec. 92. **TRANSPORTATION POLICY PLAN.** The department shall develop a state transportation policy plan that (1) establishes a vision and goals for the development of the state-wide transportation system consistent with the state's growth management goals, (2) identifies significant state-wide transportation policy issues, and (3) recommends state-wide transportation policies and strategies to the legislature to fulfill the requirements of RCW 47.01.071(1). The state transportation policy plan shall be the product of an ongoing process that shall involve representatives of significant transportation interests and the general public from across the state.

NEW SECTION. Sec. 93. **TRANSPORTATION SYSTEM PLAN.** The department shall produce a state-wide transportation plan under RCW 47.01.071(3) consisting of a highway system plan, ferry system plan, airport system plan, freight rail plan, and bicycle plan. These plans shall guide state investment in transportation facilities to ensure the continued mobility of people and goods within regions across the state in a cost-effective manner. These plans must be consistent with the state transportation policy plan and with each other, and shall reflect public involvement and be coordinated with regional transportation planning, high-capacity transportation planning, and county, city, and town comprehensive plans. The specific requirements for these plans are:

(1) State highway system plan - A plan that identifies program needs and specific improvements recommended to preserve the structural integrity of the state highway system and ensure acceptable operating conditions. The state highway system plan must contain the following elements:

(a) System preservation - This element establishes structural preservation standards for the state highway system including bridges, identifies current and future structural deficiencies based upon analysis of current condition and engineering analysis of future deterioration, and recommends program funding levels and specific improvements necessary to preserve the structural integrity of the state highway system at adopted standards. This element shall serve as the basis for the preservation component of the six-year highway construction program.

(b) Capacity and operational improvement - This element establishes operational standards, including safety considerations, for moving people and goods on the state highway system, identifies current and future capacity and operational and safety deficiencies, and proposes program funding levels and specific improvements and strategies necessary to maintain the established operational standards. Forecasts of travel shall be based upon adopted local land use plans, and shall be consistent with those developed for regional transportation planning. Capacity and operational improvement plans shall first assess strategies that enhance the operational efficiency of the existing system before recommending system expansion. Capacity improvement recommendations shall be based upon which alternative moves the most people or goods, or both. Strategies that enhance the operational efficiency include access management, transportation system management, demand management, and high occupancy vehicle facility development.

The capacity and operational improvement element must conform to the state implementation plan for air quality, and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and provide the basis for the capacity and operational improvement portions of the highway construction program.

(c) Scenic and recreational highways element - This element shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and ensure, through a variety of appropriate management strategies, the protection, preservation, and enhancement of these resources. The department, affected counties, cities, towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element.

(2) The Washington state ferry system plan - A plan to guide state investments in the Washington state ferry system to ensure a mobility link across Puget Sound. The plan shall establish service standards for state ferry routes, forecast travel demand for the various markets served by the state ferry system, and develop strategies for ferry system investment that consider both vehicle and passenger needs, meet regional and state-wide travel purposes, support local land use plans, and are fully integrated into land transportation connections.

The Washington state ferry system plan shall be developed in conjunction with the regional transportation planning organizations designated for counties served by the Washington state ferry system and the ferry advisory committees.

(3) The airport systems plan - A plan to identify the program needs for public use airports in the state, and to fulfill the state-wide aviation planning requirements of the federal government.

(4) The state freight rail plan - A plan to identify light-density freight rail lines threatened with abandonment, establish criteria for the importance of preserving the service or line, recommend priorities for the use of state rail assistance and state rail banking program funds, and fulfill federal state-wide rail planning requirements.

(5) The state bicycle plan - A plan to identify bicycling needs on the state transportation systems and to provide a basis for the investment of state highway funds dedicated to bicycling facilities under chapter 47.30 RCW.

NEW SECTION. Sec. 94. HIGH-CAPACITY TRANSPORTATION PLANNING--DEPARTMENT OF TRANSPORTATION. The department's role in high-capacity transportation planning and regional transportation planning is to administer state planning grants for these purposes, participate in these regional planning processes, and coordinate other department planning with these regional efforts including the provisions of RCW 81.104.060.

NEW SECTION. Sec. 95. SPECIAL PLANNING STUDIES. The department may carry out special transportation planning studies to resolve specific issues with the development of the state transportation system or other state-wide transportation issues.

"PART X - MISCELLANEOUS"

NEW SECTION. Sec. 96. RULE OF CONSTRUCTION. This chapter is exempted from the rule of strict construction, and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. In addition, construction of this act shall emphasize the protection of the environment.

NEW SECTION. Sec. 97. APPLICATION TO STATE, LOCAL, AND OTHER PUBLIC AGENCIES. Except as otherwise provided in this chapter or other state law, the comprehensive plans and development regulations adopted under this chapter shall be applicable to all state agencies, counties, cities, special districts, and other public and municipal corporations including quasi-municipal corporations in the state.

NEW SECTION. Sec. 98. TREATY RIGHTS. Nothing in this chapter affects any rights established by treaty to which the United States is a party.

Coordination of on-reservation land use planning activities where tribes have jurisdiction with county or city land use planning activities cannot be required absent congressional mandate. As a consequence, the coordination between tribes and counties and cities regarding land use planning activities should focus on encouraging the voluntary participation of tribal governments with county and city planning processes required by this chapter.

NEW SECTION. Sec. 99. RELATION TO OTHER AUTHORITIES. The provisions of this act are cumulative and nonexclusive and are not intended to be preemptive in effect.

NEW SECTION. Sec. 100. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 101. HEADINGS. Part and section headings and the table of sections as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 102. CODIFICATION. (1) Sections 11 through 13, 17, 31, 39, 42 through 48, 50, 52 through 57, 59 through 61, 65 through 70, 74, 96 through 99, and 101 of this act are each added to chapter 36.70A RCW.

(2) Sections 91 through 95 of this act shall constitute a new chapter in Title 47 RCW.

Mr. Betzoff moved adoption of the following amendments by Representatives Betzoff, Cantwell, Haugen, Horn, Nelson and Forner to the amendment:

On page 2 of the amendment, line 5, after "resources" strike all material through "regions" on page 3, line 24

On page 3 of the amendment, after line 27, strike all material through "chapter." on page 4, line 19

Representatives Betzoff and Cantwell spoke in favor of adoption of the amendments to the amendment, and they were adopted.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen, Cantwell, Horn, Betzoff and Forner to the amendment:

On page 13, line 30 after "availability." strike everything down to and including "recreation." on page 14, line 8 and insert "Each county and its cities must integrate water resource planning for consumptive and nonconsumptive uses into its land use plan."

Representatives Haugen and Betrozoff spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Mr. Orr moved adoption of the following amendments by Representatives Orr, Dellwo, Padden, Day, R. Fisher, Silver, Moyer, Mielke, D. Sommers, Fuhrman and Morton:

On page 14, line 28, strike "county has a population of one hundred thousand or more; (b) the"

On page 15, line 4, strike "(c)" and insert "(b)"

Representatives Orr, Mielke, Moyer, Dellwo, Day, Padden, May and Paris spoke in favor of adoption of the amendments, and Representatives Cantwell and Haugen spoke against them.

The Speaker stated the question before the House to be adoption of the amendments by Representative Orr and others to the amendment.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 42, Nays - 55. The amendments to the amendment were not adopted.

Mr. Mielke moved adoption of the following amendment by Representatives Mielke, Chandler, Brumsickle and Ballard to the amendment:

On page 15, line 23, after "county" strike "~~((cannot remove itself from the requirements of this chapter))~~" insert "has one hundred twenty days in which to repeal the resolution. If it fails to do so, the county cannot remove itself from the requirements of this chapter for two years following the adoption of the resolution to plan"

Representatives Mielke, Chandler and Neher spoke in favor of adoption of the amendment to the amendment, and Representatives Haugen and Wood spoke against it.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 15, line 23, by Representative Mielke and others to the amendment to Substitute House Bill No. 1025, and the amendment to the amendment was not adopted by the following vote: Yeas - 38, Nays - 59, Absent - 1, Excused - 0.

Voting yea: Representatives Ballard, Basich, Beck, Betrozoff, Bowman, Broback, Brumsickle, Casada, Chandler, Day, Edmondson, Ferguson, Former, Grant, Hargrove, Hochstatter, Holland, Johnson P., Lisk, May, McLean, Mielke, Miller, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson - 38.

Voting nay: Representatives Anderson, Appelwick, Belcher, Braddock, Bray, Brekke, Brough, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Haugen, Heavey, Hine, Horn, Inslee, Jacobsen, Johnson R., Jones, King,

R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Mitchell, Morris, Myers, H., Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 59.

Absent: Representative Fuhrman - 01.

Ms. Forner moved adoption of the following amendments by Representatives Forner and Hargrove to the amendment:

On page 16, after line 23, insert:

"(5) Local governments that are required or choose to plan shall develop an orderly and consistent process that enables them to evaluate whether proposed regulatory or administrative actions may result in a taking of private property. This process shall be consistent with the guidelines and requirements of section 64 of this act. It is not the purpose of this subsection to expand or reduce the scope of private property protections provided in the state and federal Constitutions."

On page 24, after "(12)" on line 1, strike all the material down to and including "Constitutions." on page 24, line 6.

On page 68, after "commission" on line 24, strike everything down to and including "process." on line 27, and insert:

"(2) State agencies shall develop an orderly and consistent process to determine whether a proposed regulatory or administrative action may result in a taking of private property. This process shall be consistent with the guidelines and requirements of section 64 of this act."

Representatives Hargrove, Forner and Haugen spoke in favor of adoption of the amendments, and they were adopted.

MOTION

On motion of Mr. Mielke, Representative Fuhrman was excused.

Mr. Beck moved adoption of the following amendment to the amendment:

On page 23 of the amendment, line 7, after "network" strike "and" and insert "Permanent open space"

Mr. Beck spoke in favor of adoption of the amendment to the amendment, and Ms. Belcher spoke against it. The amendment to the amendment was not adopted.

Mr. Braddock moved adoption of the following amendment to the amendment:

On page 24, after line 11, insert the following:

"(14) For cities required to include in their comprehensive plans the entire housing element under subsection (2) of this section, a density element that (a) includes a description of plans for increasing housing density within urban growth areas, and (b) requires that development regulations within urban growth areas encourage increased density, and that, at a minimum, they allow: (i) accessory apartment units, with standards, in all single family districts; (ii) subdivisions with small lot sizes; (iii) reduced or no yard setback and increased lot coverage for multifamily housing; and (iv) the use by multifamily housing facilities of innovative methods for providing parking, including tandem layouts, off-site lots, one space per unit and credit for on-street availability."

Representatives Braddock, Paris, Heavey and Brough spoke in favor of adoption of the amendment to the amendment, and Representatives Nelson, Horn, Ferguson and Wynne spoke against it. The amendment to the amendment was adopted.

Ms. Cantwell moved adoption of the following amendment by Representatives Cantwell, Betrozoff, Haugen, Forner, Neher and Horn to the amendment:

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

"NEW SECTION. Sec. 17. ENVIRONMENTAL PLANNING PILOT PROJECTS.

(1) The legislature intends to determine whether the environmental review process mandated under Chapter 43.21C RCW may be enhanced and simplified, and coordination improved, when applied to comprehensive plans mandated by this chapter. The department of ecology shall undertake pilot projects on environmental review to determine if the review process can be improved by fostering more coordination and eliminating duplicative environmental reviews through enhancing the nonproject environmental analysis which is made to assist decision makers approving comprehensive plans pursuant to this chapter. Such pilot projects should be designed and scoped to consider cumulative impacts resulting from plan decisions, plan impacts on environmental quality, impacts on adjacent jurisdictions, and similar factors in sufficient depth to simplify the analysis of subsequent specific projects being carried out pursuant to the approved plan.

(2) The legislature hereby authorizes the department of ecology to establish, in cooperation with at least four counties or cities, pilot projects on enhanced nonproject environmental analysis of comprehensive plans for geographic subparts of such plans, prepared pursuant to this chapter, for the purposes outlined in subsection (1) of this section. The department of ecology may select appropriate subregions within a comprehensive plan if that will best serve the purposes of this section and meet the requirements of Chapter 43.21C RCW.

(3) An enhanced draft and final nonproject environmental analysis prepared pursuant to this section shall follow the rules adopted pursuant to chapter 43.21C RCW.

(4) Not later than December 31, 1993, the department shall evaluate the overall effectiveness of the pilot projects under this section regarding preparing enhanced nonproject environmental analysis for the approval process of comprehensive plans and shall:

(a) Provide a report of its findings to the legislature and the department of community development with such recommendations as may be appropriate, including the need, if any, for further legislation;

(b) Consider promulgation of any further regulations or guidelines as may be appropriate to assist counties and cities in meeting requirements of Chapter 43.21C RCW when considering comprehensive plans; and

(c) Prepare and circulate to counties and cities such instructional manuals or other information derived from the pilot projects as will assist all counties and cities in meeting the requirements and objectives of Chapter 43.21C RCW in the most expeditious and efficient manner in the process of considering comprehensive plans pursuant to this chapter."

Renumber remaining sections consecutively and correct internal references accordingly.

On page 111 of the amendment, line 17, after "13," insert "17,"

Representatives Cantwell and Forner spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Mr. Cooper moved adoption of the following amendment by Representatives Cooper, Horn, Appelwick and May to the amendment:

On page 37, beginning on line 14, strike all of sections 17, 18, and 19 and insert the following:

Sec. 17. RCW 19.27.095 and 1987 c 104 s 1 are each amended to read as follows:

BUILDING PERMIT APPLICATION--CONSIDERATION--REQUIREMENTS DEFINED BY LOCAL ORDINANCE. (1) A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

(2) The requirements for a fully completed application shall ((be defined by local ordinance)) include those items required by the state building code and those items required by local ordinance, provided such local ordinance is in effect at the time of the building permit application.

Supplemental information required by the county, city, or town after acceptance of a complete application under this subsection shall not affect the validity of the vesting for such application.

(3) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW.

Sec. 18. RCW 58.17.033 and 1987 c 104 s 2 are each amended to read as follows:

PROPOSED DIVISION OF LAND--REQUIREMENTS DEFINED BY LOCAL ORDINANCE. (1) A proposed division of land, as defined in RCW 58.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, or short plat approval of the short subdivision, has been submitted to the appropriate county, city, or town official.

(2) The requirements for a fully completed application shall ((be defined by local ordinance)) include the following:

(a) For all subdivisions: A complete preliminary plat drawing; a complete state environmental policy act checklist; road profiles; preliminary water, sewer, and storm drainage plans; evidence of compliance with the comprehensive plan and zoning ordinance; certificates of sewer and water availability from the appropriate districts attesting to the adequacy of the proposed water supply and sewage disposal; and proof that the subject lot or lots are recognized as separate lots pursuant to applicable state law.

(b) At the option of the county, city, or town, the following may be required: Storm calculations; transportation analysis; soils analysis; wetlands analysis; a clearing plan; and a preliminary landscape plan.

Supplemental information required by the county, city, or town after acceptance of a complete application under this subsection shall not affect the validity of the vesting for such application.

(3) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Cooper, Horn and May spoke in favor of adoption of the amendment to the amendment, and Representatives Haugen and Sprenkle spoke against it.

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

Representatives Heavey and R. Meyers spoke in favor of the amendment to the amendment, and Mr. Nelson spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 37, beginning on line 19, by Representative Cooper and others to the amendment to Substitute House Bill No. 1025, and the amendment to the amendment was adopted by the following vote: Yeas - 63, Nays - 34, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Betrozoff, Bowman, Bray, Broback, Brumsickle, Casada, Chandler, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Forner, Grant, Hargrove, Heavey, Hochstatter, Holland, Horn, Jacobsen, Johnson P., Johnson R., King, R., Kremen, Lisk, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Ogden, Orr, Padden, Paris, Peery, Prince, Rasmussen, Rayburn, Riley, Schmidt, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky - 63.

Voting nay: Representatives Anderson, Belcher, Braddock, Brekke, Brough, Cantwell, Cole, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Haugen, Hine, Insee, Jones, Leonard, Locke, Ludwig, Nelson, O'Brien, Phillips, Prentice, Pruitt, Roland, Rust, Scott, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, and Mr. Speaker - 34.

Excused: Representative Fuhrman - 01.

Ms. Haugen moved adoption of the following amendment to the amendment:

On page 37, beginning on line 14, strike all of sections 17, 18, and 19 and insert the following:

Sec. 17. RCW 19.27.095 and 1987 c 104 s 1 are each amended to read as follows:

BUILDING PERMIT APPLICATION--CONSIDERATION--REQUIREMENTS DEFINED BY LOCAL ORDINANCE. (1) A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

(2) The requirements for a fully completed application shall ~~((be defined by local ordinance))~~ include those items required for an application by the state building code and those items required by local ordinance, provided such local ordinance is in effect at the time of the building permit application.

Supplemental information required by the county, city, or town after acceptance of a complete application under this subsection shall not affect the time of vesting under this section for such application.

(3) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW.

Sec. 18. RCW 58.17.033 and 1987 c 104 s 2 are each amended to read as follows:

PROPOSED DIVISION OF LAND--REQUIREMENTS DEFINED BY LOCAL ORDINANCE. (1) A proposed division of land, as defined in RCW 58.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, or short plat approval of the short subdivision, has been submitted to the appropriate county, city, or town official.

(2) The requirements for a fully completed application shall be defined by local ordinance. If no ordinance is adopted at the time of application, then an application is complete if it contains the following:

(a) For all subdivisions: A complete preliminary plat drawing; a complete state environmental policy act checklist; road profiles; preliminary water, sewer, and storm drainage plans; evidence of compliance with the comprehensive plan and zoning ordinance; certificates of sewer and water availability from the appropriate districts attesting to the adequacy of the proposed water supply and sewage disposal; and proof that the subject lot or lots are recognized as separate lots pursuant to applicable state law.

(b) At the option of the county, city, or town, the following may be required: Site survey; topography map; storm calculations; transportation analysis; soils analysis; wetlands analysis; a clearing plan; and a preliminary landscape plan.

Supplemental information required by the county, city, or town after acceptance of a complete application under this subsection shall not affect the time of vesting under this section for such application.

(3) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Haugen, Sprengle and Appelwick spoke in favor of adoption of the amendment to the amendment, and Representatives Horn, Cooper, Zellinsky and Wynne spoke against it. Ms. Haugen again spoke in favor of the amendment to the amendment.

Ms. Ogden demanded an electric roll call vote, and the demand was sustained.

POINT OF INQUIRY

Ms. Haugen yielded to question by Mr. Heavey.

Mr. Heavey: Thank you, Representative Haugen. On page 2, line 3, it says "Supplemental information required by the county, city, or town after acceptance of a complete application under this subsection shall not affect the time of vesting under this section for such application." Does that mean that your vesting date, if you comply with paragraph A, stays the same?

Ms. Haugen: Yes.

Representatives Heavey and Jones spoke in favor of adoption of the amendment to the amendment, and Ms. Forner spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 37, beginning on line 14, by Representative Haugen to the amendment to Substitute House Bill No. 1025, and the amendment to the amendment was adopted by the following vote: Yeas - 50, Nays - 47, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Brough, Cantwell, Cole, Dorn, Ebersole, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, Leonard, Locke, Ludwig, Morris, Myers, H., Nelson, O'Brien, Ogden, Peery, Phillips, Prentice,

Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, and Mr. Speaker - 50.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Broback, Brumsickle, Casada, Chandler, Cooper, Day, Dellwo, Edmondson, Ferguson, Grant, Hargrove, Hochstatter, Holland, Horn, Johnson P., King, R., Kremen, Lisk, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky - 47.

Excused: Representative Fuhrman - 01.

Ms. Haugen moved adoption of the following amendments to the amendment:

On page 37, after line 22, insert the following:

NEW SECTION. Sec. 18. VESTING DOCTRINE. The following rule is adopted for the vesting of rights in counties and cities that plan under this chapter: A right to a building permit shall vest upon acceptance of a complete application for a building permit as defined in RCW 19.27.095. A right to a division of land, as defined in RCW 58.17.020, shall vest upon the issuance of a preliminary plat approval. This rule for the vesting of a preliminary plat shall cease to be effective on the effective date of the final ordinance containing development regulations adopted under RCW 36.70A.120, that implement in whole the comprehensive plan adopted under this chapter within the entire planning jurisdiction of each county and city that plans under this chapter.

NEW SECTION. Sec. 19. A new section is added to chapter 58.17 RCW to read as follows:

(1) RCW 58.17.033 shall be suspended in counties and cities required to plan under chapter 36.70A RCW from July 1, 1991, to July 1, 1994, or until development regulations are adopted to implement chapter 36.70A RCW, whichever comes first.

(2) A county or a city shall not be prohibited from adopting a local ordinance to waive the provisions of subsection (1) of this section in whole or in part.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 111, line 17 of the amendment, after "17," insert "18,"

Representatives Haugen and Cantwell spoke in favor of adoption of the amendments to the amendment, and Representatives May, R. Meyers, Heavey, Betzoff, Paris and Cooper spoke against them. Ms. Haugen again spoke in favor of adoption of the amendments to the amendment. The amendments to the amendment were not adopted.

Ms. Spanel moved adoption of the following amendment by Representatives Spanel and R. Johnson to the amendment:

On page 39 of the amendment, after line 20, insert:

"Sec. 21. RCW 58.17.040 and 1989 c 43 s 4-123 are each amended to read as follows:

The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot

size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

~~((3))~~ ~~((Divisions made by testamentary provisions, or the laws of descent;~~

~~((4)))~~ Divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

~~((5)))~~ (4) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

~~((6)))~~ (5) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and

~~((7)))~~ (6) Divisions of land into lots or tracts if: (a) The improvements constructed or to be constructed thereon will be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (b) a city, town, or county has approved a binding site plan for all such land; and (c) the binding site plan contains thereon the following statement: "All development of the land described herein shall be in accordance with the binding site plan, as it may be amended. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest.""

Re-number remaining sections consecutively and correct internal references accordingly.

Representatives Spanel and Fraser spoke in favor of adoption of the amendment to the amendment, and Ms. Haugen spoke against it. The amendment to the amendment was adopted.

Mr. Zellinsky moved adoption of the following amendment by Representatives Zellinsky and Bray to the amendment:

On page 44, after line 19, strike sections 26 through 29.

Re-number the following sections consecutively and correct internal references accordingly.

Representatives Zellinsky and Beck spoke in favor of adoption of the amendment to the amendment, and Representatives Wynne, Haugen, Horn and Ferguson spoke against it. The amendment to the amendment was not adopted.

Mr. Beck moved adoption of the following amendments to the amendment:

On page 56 of the amendment, line 5, after "36.70A.060" strike "or section 38 of this act"

On page 57 of the amendment, beginning on line 13, strike section 38

Re-number remaining sections consecutively and correct internal references accordingly.

On page 60 of the amendment, line 5, after "36.70A.060" strike "and section 38 of this act"

Representatives Beck and Chandler spoke in favor of adoption of the amendments to the amendment, and Representatives Belcher and Haugen spoke against them. The amendments to the amendment were not adopted.

Mr. Beck moved adoption of the following amendments to the amendment:

On page 56 of the amendment, line 14, after "uses" strike "~~((permitted))~~ legally existing on any parcel" and insert "permitted"

On page 56 of the amendment, line 15, after "adoption" strike "unless provisions are made for amortizing the use"

Mr. Beck spoke in favor of adoption of the amendments to the amendment, and Ms. Belcher spoke against them. The amendments to the amendment were not adopted.

Mr. Beck moved adoption of the following amendment to the amendment:

On page 64 the amendment, after line 2, insert:

"(c) The designations under this section shall be submitted by January 1, 1993 to the joint select committee on growth management created in section 60 of this act for review and shall take effect on May 1, 1993, unless the designations are rejected by the legislature."

Representatives Beck, Wynne and Betrozoff spoke in favor of adoption of the amendment to the amendment, and Ms. Belcher spoke against it.

The Speaker stated the question before the House to be adoption of the amendment on page 64, after line 2, by Representative Beck to the amendment.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 48, Nays - 48. The amendment was not adopted.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove and Beck to the amendment:

On page on page 64 of the amendment, line 3, after "(2)" strike all material through "act" on line 7 and insert "When protection of natural resources of state-wide significance is desired, a county or city shall do so by a permanent conveyance of sufficient interest to prevent its development. Local governments may utilize a variety of methods to limit the future use of or otherwise conserve natural resources of state-wide significance including incentive zoning, the acquisition by gift, purchase, grant, devise, lease, or otherwise, the fee simple or lesser interest, transfer of development right, easement, covenant, or other contractual right"

Representatives Hargrove and Horn spoke in favor of adoption of the amendment to the amendment, and Ms. Belcher spoke against it.

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

Representatives Ebersole, Forner and Fraser spoke against adoption of the amendment to the amendment, and Representatives Betrozoff and Forner spoke in favor of it. Ms. Belcher again opposed the amendment to the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 64, line 3, by Representatives Hargrove and Beck to the amendment to Substitute House Bill No. 1025, and the amendment to the amendment was adopted by the following vote: Yeas - 49, Nays - 48, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Basich, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Day, Edmondson, Ferguson, Forner, Grant, Hargrove, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Riley, Schmidt, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky - 49.

Voting nay: Representatives Anderson, Appelwick, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Roland, Rust, Scott, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, and Mr. Speaker - 48.

Excused: Representative Fuhrman - 01.

MOTION FOR RECONSIDERATION

Mr. Kremen, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the amendment on page 64, line 3, by Representatives Hargrove and Beck to the amendment to Substitute House Bill No. 1025 was adopted. The motion was carried.

RECONSIDERATION

The Clerk called the roll on reconsideration of adoption of the amendment on page 64, line 3, by Representatives Hargrove and Beck to the amendment to Substitute House Bill No. 1025, and the amendment to the amendment was not adopted by the following vote: Yeas - 45, Nays - 51, Absent - 1, Excused - 1.

Voting yea: Representatives Ballard, Basich, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Hargrove, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky - 45.

Voting nay: Representatives Anderson, Appelwick, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, and Mr. Speaker - 51.

Absent: Representative Day - 01.

Excused: Representative Fuhrman - 01.

Ms. Haugen moved adoption of the following amendment by

Representatives Haugen, Cantwell, Nelson, Betrozoff, Horn and Former to the amendment:

On page 72, line 1, strike all of section 56, and insert:

NEW SECTION. Sec. 56. COMPREHENSIVE PLANS--DEVELOPMENT REGULATIONS--REVIEW AND COMMENT. (1) Each county and city preparing a comprehensive plan and/or development regulations, or amendments thereto, under this chapter shall submit its final draft plan and development regulations, or amendments, to the department during the public review process prior to adoption. The department shall consult with the county or city and provide comments on the proposed comprehensive plan or development regulations, or amendments, within sixty days of submittal prior to the county or city adopting the plan or development regulations, or amendments. In addition, the county or city shall submit a copy of those documents to adjacent jurisdictions.

(2) In addition, to the comments provided under this section, counties and cities are encouraged to seek comments from the department, other state agencies, and adjacent jurisdictions on proposed comprehensive plans and development regulations, and any amendments proposed after initial adoption, through their development. This consultation shall occur during the public involvement process under RCW 36.70A.140.

NEW SECTION. Sec. 57. NATURAL RESOURCES OF STATE-WIDE SIGNIFICANCE -- DEPARTMENT ASSESSMENT. (1) As part of its comments under section 56 of this act, the department, with the assistance from the committee established under section 45 of this act, shall prepare an assessment of the degree to which these comments: (a) Meet the minimum standards requires for protection of natural resources of state-wide significance; (b) cumulatively provide adequate protection of natural resources of state-wide significance; and (c) preclude land uses or development regulations incompatible with critical areas.

(2) If a county or city would be required to adopt stricter development regulations under section 48 of this act than it believes are necessary, the department shall review the county's or city's proposed alternative development regulations as part of its comments under this section. Where the department finds that the proposed alternative development regulations adequately preclude land uses or development incompatible with critical areas and/or natural resources of state-wide significance, it shall recommend that the proposed alternative regulations provided for under section 48 of this act be adopted by the county or city. This recommendation shall be included in the comments prepared by the department under section 56 of this act."

Renumber the following sections consecutively and correct internal references accordingly.

Representatives Haugen and Horn spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove and Former to the amendment:

On page 77, after line 27, insert:

"NEW SECTION. Sec. 64 PROTECTION OF PRIVATE PROPERTY. (1) The state attorney general shall establish an orderly, consistent process that better enables government agencies to evaluate whether proposed regulatory or administrative actions may result in a taking of private property. It is not the purpose of this section to expand or reduce the scope of private property protections provided in the state and federal Constitutions.

(2) As used in this section:

(a) "Private property" means private real property protected by Amendments V and XIV of the Constitution of the United States or Article I, sections 3 and 16 of the Constitution of the state of Washington.

(b) "Government agency" means any officer, agency, board, commission, department, or similar body of the executive branch of state government, and any county, city, town, or special district exercising regulatory authority or control over the use of private property in the state.

(c) "Taking" means an uncompensated damaging or deprivation of private property in violation of Amendments V and XIV of the Constitution of the United States or Article I, sections 3 and 16 of the Constitution of the state of Washington.

(d) "Policies that have constitutional implications" means current or proposed regulations, ordinances, standards, or state laws that, when implemented, could effect a taking of private property without due process of law. "Policies that have constitutional implications" does not include actions in which the power of eminent domain is formally exercised or law enforcement actions involving seizure of property for forfeiture or as evidence in criminal proceedings.

(3) The attorney general shall develop a checklist and guidelines by October 1, 1991, to assist government agencies in the identification and evaluation of policies that have constitutional implications. The attorney general shall review and update the checklist and guidelines at least on an annual basis to maintain consistency with changes in the law.

(4) The attorney general in consultation with the Washington state bar association, shall develop a continuing education course to implement this section.

(5) The process used by government agencies shall be protected by attorney client privilege. Nothing in this section grants a private party the right to seek judicial relief requiring compliance with the provisions of this section."

Renumber remaining sections consecutively and correct internal references accordingly.

Representatives Hargrove and Forner spoke in favor of adoption of the amendment to the amendment.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 77, line 27, by Representatives Hargrove and Forner to the amendment to Substitute House Bill No. 1025, and the amendment to the amendment was adopted by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel,

Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Belcher, Cole - 02.

Excused: Representative Fuhrman - 01.

Ms. Cantwell moved adoption of the following amendments by Representatives Cantwell, Betrozoff, Haugen, Forner, Nelson and Horn to the amendment:

On page 80 of the amendment, line 6, after "requested;" insert "or"

On page 80 of the amendment, line 12, after "requested" strike all material through "chapter" on line 15

Representatives Cantwell and Betrozoff spoke in favor of adoption of the amendments to the amendment, and they were adopted.

Mr. Ferguson moved adoption of the following amendments by Representatives Ferguson, Betrozoff and Horn to the amendment:

On page 80, line 6, after "requested;" insert "or"

On page 80, line 7, after "(b)" strike everything from "Any person" through "requested; or" on line 12

On page 80, beginning at line 13, strike "(c)"

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

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

Mr. Ebersole spoke against adoption of the amendments to the amendment, and Mr. Betrozoff spoke in favor of them.

ROLL CALL

The Clerk called the roll on adoption of the amendments on page 80, lines 6, 7 and 13, by Representative Ferguson and others to the amendment to Substitute House Bill No. 1025, and the amendments to the amendment were not adopted by the following vote: Yeas - 43, Nays - 54, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Day, Edmondson, Ferguson, Forner, Heavey, Hochstatter, Holland, Horn, Inslee, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 43.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Hine, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 54.

Excused: Representative Fuhrman - 01.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen and Ferguson to the amendment:

On page 110, after line 14 of the amendment, insert the following:

NEW SECTION. Sec. 97. Nothing in this act shall be construed to require cities and counties to adopt a comprehensive plan and development regulations that a county or city determines are less stringent than those that have been enacted by the county or city as of the effective date of this act.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Haugen and Ferguson spoke in favor of adoption of the amendment to the amendment, and it was adopted.

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

On page 111, after line 21, insert:

"Sec. 103. Any provision of this act adopted by a local government that levies a tax shall be submitted to the voters in the local governments jurisdiction for their adoption and ratification, or rejection, at the next succeeding general election."

Renumber remaining sections consecutively and correct internal references accordingly.

POINT OF ORDER

Mr. Nelson: Thank you, Mr. Speaker. I ask that you rule on the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Nelson, the Speaker has examined Substitute House Bill No. 1025. While there is a reference to the real estate excise tax in the bill, expanding the purposes for which it can be used, the amendment, while it refers to taxes, puts an additional limitation on when that tax can be used. That is, it requires a vote of the people. I find that it introduces a new subject and is outside the scope and object of the original bill. Your point is well taken, Representative Nelson.

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

On page 111, after line 21, insert:

"Sec. 103. Any of the provisions under this act adopted by a local government shall be submitted to the voters in the local governments jurisdiction for their adoption and ratification, or rejection, at the next succeeding general election."

Renumber remaining sections consecutively and correct internal references accordingly.

Mr. Padden spoke in favor of adoption of the amendment, and Ms. Haugen spoke against it. The amendment to the amendment was not adopted.

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

On page 111, after line 21, insert:

"Sec. 103. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Mr. Padden spoke in favor of adoption of the amendment to the amendment, and Ms. Haugen spoke against it.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 111, after line 21, by Representative Padden to the amendment to Substitute House Bill No. 1025, and the amendment to the amendment was not adopted by the following vote: Yeas - 39, Nays - 58, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Day, Edmondson, Ferguson, Forner, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wood, Wynne - 39.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 58.

Excused: Representative Fuhrman - 01.

The Clerk read the following amendments by Representatives Betrozoff, Horn, Forner and Cantwell to the amendment:

On page 13, line 29, after "plans" insert "and water resource plans should be integrated into the comprehensive plan"

On page 13, line 30, beginning with "New" strike all the matter through "recreation." on page 14, line 8

With consent of the House, Representative Betrozoff withdrew the amendments to the amendment.

The amendment by Representative Cantwell and others as amended was adopted.

Ms. Cantwell moved adoption of the following amendment to the title:

On page 1, line 1 of the title, after "strategies;" strike the remainder of the title and insert "amending RCW 36.70A.010, 36.70A.030, 36.70A.020, 36.70A.040, 36.70A.070, 36.70A.080, 36.70A.110, 36.70A.130, 82.02.050, 82.02.090, 43.21C.031, 19.27.095, 58.17.033, 58.17.170, 36.70A.140, 36.93.170, 36.93.180, 35.13.130, 82.46.010, 35.21.685, 36.32.415, 59.18.440, 36.70A.170, 36.70A.060, 36.70A.050, 36.70A.190, 43.155.070,

70.146.070, 43.88.110, 36.79.150, 47.26.080, 82.46.035, 66.08.190, 36.79.080, 36.81.121, 47.05.030, 47.26.084, 47.26.220, 35.58.2795, 35.58.2796, 36.57A.060, and 47.80.040; adding a new section to chapter 8.26 RCW; adding a new section to chapter 19.85 RCW; adding a new section to chapter 35.02 RCW; adding new sections to chapter 35.13 RCW; adding new sections to chapter 35A.14 RCW; adding new sections to chapter 36.70A RCW; adding a new section to chapter 36.93 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 47 RCW; and creating new sections."

With consent of the House, the following amendment by Representative Spanel to the amendment to the title was adopted:

On page 114, line 4 of the title, after "58.17.033" insert "58.17.040,"

The amendment as amended to the title was adopted.

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

Representatives Cantwell, Betrozoff, Paris and Wynne spoke in favor of passage of the bill.

With consent of the House, House Rule 14(C) was dispensed with.

Representatives Haugen, Belcher, Nelson, R. Fisher and Ebersole spoke in favor of passage of the bill, and Representatives Miller, Morton, Broback, Chandler, Edmondson and Ballard spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1025, and the bill passed the House by the following vote: Yeas - 59, Nays - 38, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betrozoff, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Haugen, Heavey, Hine, Holland, Horn, Inseele, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Myers, H., Nelson, O'Brien, Ogden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Vance, Wang, Wineberry, Winsley, Wynne, and Mr. Speaker - 59.

Voting nay: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Day, Dellwo, Edmondson, Hargrove, Hochstatter, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Orr, Padden, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Van Luven, Wilson, Wood, Zellinsky - 38.

Excused: Representative Fuhrman - 01.

Engrossed Substitute House Bill No. 1025, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Friday, March 22, 1991.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

SIXTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 22, 1991

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Basich, Belcher, Betrozoff, Braddock, Brekke, G. Fisher, Forner, Fuhrman, Lisk, Morris, Moyer, Schmidt, Sprenkle, Tate and Wineberry. On motion of Mr. Bray, Representatives Appelwick, Belcher and Wineberry were excused. On motion of Mr. Mielke, Representatives Forner, Fuhrman, Lisk, Moyer, Schmidt and Tate were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Susan Chang and Kelli Lang. Prayer was offered by Minister Jamyang Tsultrim, Lama, Tibetan Buddhist Center of Olympia.

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

MESSAGE FROM THE SENATE

March 20, 1991

Mr. Speaker:

The Senate has passed:

	SUBSTITUTE SENATE BILL NO. 5070,
SECOND	SUBSTITUTE SENATE BILL NO. 5124,
	SUBSTITUTE SENATE BILL NO. 5158,
	SUBSTITUTE SENATE BILL NO. 5188,
	SUBSTITUTE SENATE BILL NO. 5295,
	SENATE BILL NO. 5345,
	ENGROSSED SENATE BILL NO. 5432,
	SUBSTITUTE SENATE BILL NO. 5536,
ENGROSSED	SUBSTITUTE SENATE BILL NO. 5555,
	SUBSTITUTE SENATE BILL NO. 5559,
	SENATE BILL NO. 5560,
	SUBSTITUTE SENATE BILL NO. 5580,
ENGROSSED	SUBSTITUTE SENATE BILL NO. 5629,
	SUBSTITUTE SENATE BILL NO. 5650,
	SENATE BILL NO. 5661,
	SUBSTITUTE SENATE BILL NO. 5716,
ENGROSSED	SUBSTITUTE SENATE BILL NO. 5765,
	ENGROSSED SENATE BILL NO. 5801,

SUBSTITUTE SENATE BILL NO. 5818,
ENGROSSED SENATE BILL NO. 5824,
SUBSTITUTE SENATE BILL NO. 5858,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5925,
SENATE JOINT MEMORIAL NO. 8004,
SENATE JOINT MEMORIAL NO. 8012,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2187 by Representatives O'Brien, Dellwo, Brough, Anderson, May, Kremen, Beck, Zellinsky, Miller, Day, Basich, Riley, R. King, Rasmussen, Prentice, Ferguson, Padden, Broback, Ballard, Edmondson, Brumsickle, P. Johnson, Bowman, Wynne, Mielke, Casada, Nealey, Van Luven, Fuhrman, Holland, Wilson, Schmidt, Neher, Lisk, Rayburn, Scott, Roland, Ogden, Orr, Haugen, Jacobsen, Cole, Pruitt, McLean, Tate, Morton, Valle, Dorn, Heavey, Franklin, Cantwell and Leonard

AN ACT Relating to auctions conducted by nonprofit organizations; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Revenue.

SSB 5070 by Senate Committee on Commerce & Labor (originally sponsored by Senators Nelson, Oke and Craswell)

Redefining terms for industrial insurance compensation.

Referred to Committee on Commerce & Labor.

2SSB 5124 by Senate Committee on Ways & Means (originally sponsored by Senators Erwin, Gaspard, Amondson, Matson, Owen, Snyder, Nelson, von Reichbauer, Thorsness, Sellar, Johnson, Murray, McMullen, Bailey, Anderson and Talmadge)

Licensing private security guards.

Referred to Committees on Commerce & Labor/Appropriations.

SSB 5158 by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Craswell, Oke, Sutherland and Conner)

Providing for Hood Canal salmon management.

Referred to Committee on Fisheries & Wildlife.

SSB 5188 by Senate Committee on Commerce & Labor (originally sponsored by Senators Moore, Matson and Anderson)

Providing for tenant eviction and rental and storage costs for mobile home landlords.

Referred to Committee on Housing.

SSB 5295 by Senate Committee on Transportation (originally sponsored by Senators Conner, Patterson, Stratton and Nelson)

Requiring identification on big trucks.

Referred to Committee on Transportation.

SB 5345 by Senators Matson, Owen, Anderson, Gaspard, McCaslin, Stratton, Newhouse, Moore, Oke and Murray

Allowing self-insured employers to close disability claims after July 1990.

Referred to Committee on Commerce & Labor.

ESB 5432 by Senators Patterson, Vognild, Snyder, Skratek, Hansen, Oke, Madsen, McMullen, von Reichbauer, Thorsness and Conner; by request of Legislative Transportation Committee

Funding programs from the public safety and education account.

Referred to Committees on Transportation/Revenue.

SSB 5536 by Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness, Rasmussen, Madsen, L. Kreidler, A. Smith, Erwin, Newhouse, Jesernig, Sutherland, Saling, Bauer and Stratton)

Studying the state's telecommunication services for the hearing impaired.

Referred to Committee on Energy & Utilities.

ESSB 5555 by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Conner, Snyder, Metcalf, Jesernig, Amondson, Sutherland, Patterson, Hansen, Bailey, Rasmussen, von Reichbauer, Johnson, Pelz, West, Talmadge, A. Smith, Williams, L. Kreidler,

Rinehart, Newhouse, Stratton, Gaspard, McMullen, Moore, Madsen, Bauer, Wojahn, Matson, Roach and L. Smith)

Providing assistance for timber harvesting areas.

Referred to Committees on Trade & Economic Development/
Appropriations.

SSB 5559 by Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Madsen, Matson, Thorsness and Rasmussen)

Declaring landlord-tenant duties as being state-wide.

Referred to Committee on Housing.

SB 5560 by Senators McDonald, Owen, Craswell and Niemi

Transferring power and duty to enforce cigarette and tobacco laws to the liquor control board.

Referred to Committees on Commerce & Labor/Revenue.

SSB 5580 by Senate Committee on Ways & Means (originally sponsored by Senators Anderson, Bailey, L. Smith, McCaslin, Wojahn and A. Smith)

Establishing community-based child care resource and referral agencies.

Referred to Committees on Human Services/Appropriations.

SSB 5629 by Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Bailey, Conner, Metcalf, Patterson, McCaslin, Hansen, Bauer, Anderson, Barr, Vognild, McMullen, Madsen, Rasmussen and Newhouse)

Prohibiting unauthorized acts against animal facilities.

Referred to Committee on Judiciary.

SSB 5650 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators West, Wojahn, L. Smith, Niemi, Johnson, L. Kreidler, Amondson, Barr, Sutherland and Bauer)

Establishing pilot local community outreach for health programs.

Referred to Committees on Health Care/Appropriations.

SB 5661 by Senators McDonald, A. Smith and Bluechel

Adding a business and occupation tax deduction.

Referred to Committees on Trade & Economic Development/Revenue.

SSB 5716 by Senate Committee on Ways & Means (originally sponsored by Senators Barr, Madsen, Williams, Hansen, Newhouse and Bailey; by request of Joint Select Committee on Water Resource Policy)

Extending the joint select committee on water resource policy.

Referred to Committee on Natural Resources & Parks.

ESSB 5765 by Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Barr, Madsen and Bailey)

Changing provisions regarding water management.

Referred to Committees on Natural Resources & Parks/Appropriations.

ESB 5801 by Senators Patterson and Vognild

Revising state highway routes.

Referred to Committee on Transportation.

SSB 5818 by Senate Committee on Ways & Means (originally sponsored by Senators Metcalf and Owen)

Providing for locally determined property tax assessment levels.

Referred to Committee on Revenue.

ESB 5824 by Senators Saling, Stratton, Patterson and Bauer

Changing provisions relating to the funding of community college summer courses.

Referred to Committees on Higher Education/Appropriations.

SSB 5858 by Senate Committee on Commerce & Labor (originally sponsored by Senators Matson and Moore)

Prohibiting actions for damages by injured workers against contractors with joint supervision and control of the premises.

Referred to Committee on Commerce & Labor.

ESSB 5925 by Senate Committee on Ways & Means (originally sponsored by Senators Amondson, McDonald, Snyder, Barr, Madsen, Anderson and Conner)

Requiring the department of revenue and the department of natural resources to act regarding the federal forestry act.

Referred to Committees on Natural Resources & Parks/Revenue.

SJM 8004 by Senators Metcalf, Conner and Moore

Requiring a complete audit of the Federal Reserve System.

Referred to Committee on Financial Institutions & Insurance.

SJM 8012 by Senators Talmadge, Conner, Metcalf, Thorsness, McMullen, Oke and Craswell

Petitioning the United States state department to appeal to British Columbia to stem the flow of raw sewage into the strait of Juan de Fuca.

Referred to Committee on Environmental Affairs.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

March 19, 1991

SB 5047 Prime Sponsor, Representative Bauer: Designating a state tartan.
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; Grant; Moyer; and Sheldon.

Excused: Representatives Pruitt, Vice Chair; R. Fisher; and O'Brien.

Passed to Committee on Rules for second reading.

March 21, 1991

SSB 5806 Prime Sponsor, Committee on Transportation: Authorizing loans and grants to preserve underground petroleum storage tanks in rural areas. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes as a fundamental government purpose the need to protect the environment and human health and safety. To that end the state has enacted laws designed to limit and prevent environmental damage and risk to public health and safety caused by underground petroleum storage tank leaks. Because of the costs associated with compliance with such laws and the high costs associated with correcting past environmental damage, many owners and operators of underground petroleum storage tanks have discontinued the use of or have planned to discontinue the use of such tanks. As a consequence, isolated communities face the loss of their source of motor vehicle fuel and face the risk that the owner or operator will have insufficient funds to take corrective action for pollution caused by past leaks from the tanks. In particular, rural communities face the risk that essential emergency, medical, fire and police services may be disrupted through the diminution or elimination of local sellers of petroleum products and by the closure of underground storage tanks owned by local government entities serving these communities.

The legislature also recognizes as a fundamental government purpose the need to preserve a minimum level of economic viability in rural communities so that public revenues generated from economic activity are sufficient to sustain necessary governmental functions. The closing of local service stations adversely affects local economies by reducing or eliminating reasonable access to fuel for agricultural, commercial, and transportation needs.

The legislature intends to assist small communities within this state by authorizing:

(1) Cities, towns, and counties to certify that a local private owner or operator of an underground petroleum storage tank meets a vital local government, public health or safety need thereby qualifying the owner or operator for state financial assistance in complying with environmental regulations and assistance in taking needed corrective action for existing tank leaks; and

(2) Local government entities to obtain state financial assistance to bring local government underground petroleum storage tanks into compliance with environmental regulations and to take needed corrective action for existing tank leaks.

NEW SECTION. Sec. 2. (1) Subject to the conditions and limitations of sections 1 through 6 of this act, the director shall establish and manage a program for providing financial assistance to public and private owners and operators of underground storage tanks who have been certified by the governing body of the county, city, or town in which the tanks are located as meeting a vital local government, public health or safety need. In providing such financial assistance the director shall:

(a) Require owners and operators, including local government owners and operators, to demonstrate serious financial hardship;

(b) Limit assistance to only that amount necessary to supplement applicant financial resources;

(c) Limit assistance to no more than one hundred fifty thousand dollars in value for any one underground storage tank site of which amount no more than seventy-five thousand dollars in value may be provided for corrective action; and

(d) Whenever practicable, provide assistance through the direct payment of contractors and other professionals for labor, materials, and other services.

(2) Except as otherwise provided in sections 1 through 6 of this act, no grant of financial assistance may be used for any purpose other than for corrective action and repair, replacement, reconstruction, and improvement of underground storage tanks and tank sites. If at any time prior to providing financial assistance or in the course of providing such assistance, it appears to the director that corrective action costs may exceed seventy-five thousand dollars, the director may not provide further financial assistance until the owner or operator has developed and implemented a corrective action plan with the department of ecology.

(3) When requests for financial assistance exceed available funds, the director shall give preference to providing assistance first to those underground storage tank sites which constitute the sole source of petroleum products in remote rural communities.

(4) The director shall consult with the department of ecology in approving financial assistance for corrective action to ensure compliance with regulations governing underground petroleum storage tanks and corrective action.

(5) The director shall approve or disapprove applications for financial assistance within sixty days of receipt of a completed application meeting the requirements of sections 1 through 6 of this act. The certification by local government of an owner or operator shall not preclude the director from disapproving an application for financial assistance if the director finds that such assistance would not meet the purposes of sections 1 through 6 of this act.

(6) The director may adopt all rules necessary to implement the financial assistance program and shall consult with the technical advisory committee established under RCW 70.148.030 in developing such rules and in reviewing applications for financial assistance.

NEW SECTION. Sec. 3. (1) To qualify for financial assistance, a private owner or operator retailing petroleum products to the public must:

(a) First apply for insurance from the pollution liability insurance program and request financial assistance in a form and manner required by the director;

(b) If the director makes a preliminary determination of possible eligibility for financial assistance, apply to the appropriate governing body of the city or town in which the tanks are located or in the case where the tanks are located outside of the jurisdiction of a city or town, then to the appropriate governing body of the county in which the tanks are located, for a determination by the governing body of the city, town, or county that the continued operation of the tanks meets a vital local government, or public health or safety need; and

(c) Qualify for insurance coverage from the pollution liability insurance program if such financial assistance were to be provided.

(2) In consideration for financial assistance and prior to receiving such assistance the owner and operator must enter into an agreement with the state whereby the owner and operator agree:

(a) To sell petroleum products to the public;

(b) To maintain the tank site for use in the retail sale of petroleum products for a period of not less than fifteen years from the date of agreement;

(c) To sell petroleum products to local government entities within the affected community on a cost-plus basis periodically negotiated between the owner and operator and the city, town, or county in which the tanks are located; and

(d) To maintain compliance with state underground storage tank financial responsibility and environmental regulations.

(3) The agreement shall be filed as a real property lien against the tank site with the county auditor in which the tanks are located. If the owner or operator transfers his or her interest in such property, the new owner or operator must agree to abide by the agreement or any financial assistance provided under sections 1 through 6 of this act shall be immediately repaid to the state by the owner or operator who received such assistance.

(4) As determined by the director, if an owner or operator materially breaches the agreement, any financial assistance provided shall be immediately repaid by such owner or operator.

(5) The agreement between an owner and operator and the state required under this section shall expire fifteen years from the date of entering into the agreement.

NEW SECTION. Sec. 4. (1) To qualify for financial assistance, a public owner or operator must:

(a) First apply for insurance from the pollution liability insurance program and request financial assistance in a form and manner required by the director;

(b) Provide to the director a copy of the resolution by the governing body of the city, town, or county having jurisdiction, finding that the continued operation of the tanks is necessary to maintain vital local public health, education, or safety needs;

(c) Qualify for insurance coverage from the pollution liability insurance program if such financial assistance were to be provided.

(2) The director shall give priority to and shall encourage local government entities to consolidate multiple operational underground storage tank sites into as few sites as possible. For this purpose, the director may provide financial assistance for the establishment of a new local government underground storage tank site contingent upon the closure of other operational sites in accordance with environmental regulations. Within the per site financial limits imposed under sections 1 through 6 of this act, the director may authorize financial assistance for the closure of operational sites when closure is for the purpose of consolidation.

NEW SECTION. Sec. 5. To qualify for financial assistance, a rural hospital as defined in RCW 18.89.020, owning or operating an underground storage tank must:

(1) First apply for insurance from the pollution liability insurance program and request financial assistance in a form and manner required by the director;

(2) Apply to the governing body of the city, town, or county in which the hospital is located for certification that the continued operation of the tank or tanks is necessary to maintain vital local public health or safety needs;

(3) Qualify for insurance coverage from the pollution liability insurance program if such financial assistance were to be provided; and

(4) Agree to provide charity care as defined in RCW 70.39.020 in an amount of equivalent value to the financial assistance provided under sections 1 through 6 of this act. The director shall consult with the department of health to monitor and determine the time period over which such care should be expected to be provided in the local community.

NEW SECTION. Sec. 6. (1) The director shall develop and distribute to appropriate cities, towns, and counties a form for use by the local government in making the certification required for all private owner and operator financial assistance along with instructions on the use of such form.

(2) In certifying a private owner or operator retailing petroleum products to the public as meeting vital local government, public health or safety needs, the local government shall:

(a) Consider and find that other retail suppliers of petroleum products are located remote from the local community;

(b) Consider and find that the owner or operator requesting certification is capable of faithfully fulfilling the agreement required for financial assistance;

(c) Designate the local government official who will be responsible for negotiating the price of petroleum products to be sold on a cost-plus basis to the local government entities in the affected communities and the entities eligible to receive petroleum products at such price; and

(d) State the vital need or needs that the owner or operator meets.

(3) In certifying a hospital as meeting local public health and safety needs the local government shall:

(a) Consider and find that the continued use of the underground storage tank by the hospital is necessary; and

(b) Consider and find that the hospital provides health care services to the poor and otherwise provides charity care.

(4) The director shall notify the governing body of the city, town, or county providing certification when financial assistance for a private owner or operator has been approved.

Sec. 7. RCW 70.148.020 and 1990 c 64 s 3 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. The account is subject to allotment procedures under chapter 43.88 RCW. Expenditures for payment of the costs of administering the program may be made only after appropriation by statute. No appropriation is required for other expenditures from the account. The earnings on any surplus balances in the pollution liability insurance program trust account shall be credited to the account notwithstanding RCW 43.84.090.

(2) Each calendar quarter, the director shall report to the insurance commissioner and the chairs of the senate ways and means, senate financial institutions, house of representatives revenue, and house of representatives financial institutions committees, the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) Each calendar quarter the director shall report to the chairs of the senate ways and means, senate financial institutions, house of representatives revenue, and house of representatives financial institutions and insurance committees, the amount of reserves necessary to fund commitments made to provide financial assistance under section 2 of this act to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance program. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The director may immediately establish an initial financial assistance reserve of five million dollars from available revenues. The director may not expend more than fifteen million dollars for the financial assistance program.

Sec. 8. RCW 82.23A.020 and 1990 c 64 s 12 are each amended to read as follows:

(1) A tax is imposed on the privilege of possession of petroleum products in this state. The rate of the tax shall be fifty one-hundredths of one percent multiplied by the wholesale value of the petroleum product.

(2) Moneys collected under this chapter shall be deposited in the pollution liability insurance program trust account under RCW 70.148.020.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

(4) Within thirty days after the end of each calendar quarter the department shall determine the "quarterly balance," which shall be the cash balance in the pollution liability insurance program trust account as of the last day of that calendar quarter, after excluding the reserves determined for that quarter under RCW 70.148.020(2) and (3). Balance determinations by the department under this section are final and shall not be used to challenge the validity of any tax imposed under this section. For each subsequent calendar quarter, tax shall be imposed under this section during the entire calendar quarter unless:

(a) Tax was imposed under this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than fifteen million dollars; or

(b) Tax was not imposed under this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than seven million five hundred thousand dollars.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act shall each be added to chapter 70.148 RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 70.148.020 and 82.23A.020; adding new sections to chapter 70.148 RCW; and declaring an emergency."

Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Broback, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Inslee; R. Johnson; Paris; Schmidt; Scott; and Winsley.

Excused: Representatives Anderson; Dorn; and R. Meyers.

Passed to Committee on Rules for second reading.

March 21, 1991

SJM 8002 Prime Sponsor, Representative Metcalf: Requesting that the coast guard prohibit dumping of ballast water in United States waters. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; Wilson, Ranking Minority Member; Hochstatter; Orr; Padden; and Spanel.

Excused: Representatives Fuhrman, Assistant Ranking Minority Member; Basich; Cole; and Haugen.

Passed to Committee on Rules for second reading.

The Speaker (Mr. O'Brien presiding) referred the bills and memorial listed on today's committee reports under the fifth order of business to the committees so designated.

Representative Basich appeared at the bar of the House.

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

RESOLUTION

HOUSE RESOLUTION NO. 91-4647, by Representatives Bowman, Brumsickle, Sheldon, Riley, P. Johnson, Tate, Jones, Basich and Casada

- WHEREAS, Clarence V. Rankin, a depression era shopkeeper, purchased two hundred acres of logged off land from the Graham Land Company; and

WHEREAS, Sixty-one years later, this body honors Clarence Rankin's son, John Rankin and his wife Evelyn, who were named Washington State's 1990-91 Outstanding Tree Farmer of the Year; and

WHEREAS, This prestigious honor is given to the top nonindustrial tree farmer who has demonstrated exemplary forest management skills, substantial interest in the Tree Farm Program, abilities in relating to other landowners, and special human interest; and

WHEREAS, John Rankin was nominated for the finals from among one thousand one hundred certified tree farmers state-wide, selected for the title from nine finalists, and will compete in the regional competition and, if successful, the national competition; and

WHEREAS, Sixty-five year old John Rankin manages his two hundred acre tree farm near Silver Creek with the assistance of his wife, Evelyn, his son John, and his daughters Jean, Betty, and Mary; and

WHEREAS, John Rankin is recognized by his peers for his high level of enthusiasm for good land stewardship, innovative management practices, precommercial and commercial thinning, forest protection and aesthetics, and forestry promotion in the community; and

WHEREAS, The farm includes forty acres of Christmas trees, seventy-five acres that have been logged and hand-planted in ten foot by ten foot rows, with five hundred trees to the acre, and ninety acres of mixed Douglas fir, maple, and alder; and

WHEREAS, John Rankin's achievements reflect the spirit of dedication and hard work which have been shared by the leaders of Washington State's important timber industry;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend John R. Rankin for being named Washington's Outstanding Tree Farmer of the Year and wish him the best of luck in the regional competition; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to John R. Rankin.

Ms. Bowman moved adoption of the resolution. Representatives Bowman and Brumsickle spoke in favor of the resolution.

House Resolution No. 91-4647 was adopted.

MOTIONS

On motion of Mr. Dorn, the following bills listed on today's second reading calendar were referred to Committee on Rules: House Bill No. 1068, House Bill No. 1117, House Bill No. 1259, House Bill No. 1271, House Bill No. 1641, House Bill No. 1679, House Bill No. 1815, House Bill No. 1832, House Bill No. 1833 and House Bill No. 2156.

On motion of Mr. Dorn, House Bill No. 1123 listed on today's third reading calendar was referred to Committee on Rules.

MOTION

On motion of Mr. Ebersole, Second Substitute Senate Bill No. 5667 was referred from Committee on Human Services to Committee on Health Care.

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

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

MOTION

On motion of Mr. Dorn, the House adjourned until 10:00 a.m., Monday, March 25, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 25, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Brekke, Grant, Lisk, Locke and Wilson, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Damon Gray and Rachel Knott. Prayer was offered by The Reverend Barbara Riker, St. Benedict's Episcopal Church of Lacey.

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

MESSAGE FROM THE GOVERNOR

March 22, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 22, 1991, Governor Gardner approved the following House Bill entitled:

HOUSE BILL NO. 1115: Relating to the correction of references that are incorrect or obsolete as a result of the creation of the department of health by chapter 9, Laws of 1989 1st ex.s..

Sincerely,
Thomas J. Felnagle, Counsel.

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

REPORT OF STANDING COMMITTEE

March 21, 1991

HB 1392 Prime Sponsor, Representative Locke: Making major changes to acupuncturist licensure. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substitute therefor, and the substitute bill do pass. Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member;

Belcher; Braddock; Brekke; Dorn; Ebersole; Ferguson; Hine; Lisk; May; Mielke; Nealey; Peery; Pruitt; H. Sommers; Sprenkle; Valle; Vance; Wang; and Wineberry.

MINORITY recommendation: Without recommendation. Signed by Representative Rust.

Excused: Representatives Appelwick; Bowman; Fuhrman; Holland; and Wineberry.

Passed to Committee on Rules for second reading.

The Speaker (Mr. O'Brien presiding) referred the bill listed on today's committee report under the fifth order of business to the committee so designated.

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

MOTION

On motion of Mr. Ebersole, Engrossed Substitute Senate Bill No. 5629 was referred from Committee on Judiciary to Committee on Agriculture & Rural Development.

RESOLUTION

HOUSE RESOLUTION NO. 91-4648, by Representatives Ogden, H. Myers, Morris, Peery, Cooper and J. King

WHEREAS, The State of Washington is the host state for the biennial convention of the Congressional Medal of Honor Society, November 2 through 12, 1991; and

WHEREAS, The Medal of Honor convention is a national event bringing to Washington State illustrious American heroes from across the country and supported by many of the nation's highest-ranking leaders; and

WHEREAS, The Medal of Honor, established in 1861, is the highest award given by the United States of America to its military heroes; and

WHEREAS, The Congressional Medal of Honor Society, an association chartered by Congress, includes the living recipients of the Medal of Honor, and among whom are fourteen distinguished citizens of Washington State; and

WHEREAS, The City of Vancouver, the host city for the seventeenth biennial convention of the Congressional Medal of Honor Society, solicits the support of all citizens of Washington State in the Celebrate Freedom - America Honors its Heroes program; and

WHEREAS, All citizens of Washington State owe a debt of gratitude to those who have made sacrifices and contributions to the cause of freedom;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives signifies its support for Celebrate Freedom - America Honors its Heroes program by encouraging fraternal organizations, state agencies, business and labor groups, and civic organizations to support activities related to Celebrate Freedom in their local communities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Governor Booth Gardner, Mayor Bruce E. Hagensen and the city council of the City of Vancouver, Superintendent of Public Instruction Judith A. Billings, and Director of the Department of Community Development Chuck Clarke.

Ms. Ogden moved adoption of the resolution. Representatives Ogden and Brough spoke in favor of the resolution.

House Resolution No. 91-4648 was adopted.

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

The Speaker (Mr. Ebersole presiding) called the House to order.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Wednesday, March 27, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 27, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, R. Fisher, Locke and Phillips, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tyson Kemper and Harold Tran. Prayer was offered by The Reverend Barbara Riker, St. Benedict's Episcopal Church of Lacey.

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

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

REPORTS OF STANDING COMMITTEES

March 22, 1991

SSB 5030 Prime Sponsor, Committee on Law & Justice: Prohibiting the unauthorized reproduction or recording of material. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Broback; Hargrove; Inslee; R. Meyers; Mielke; Riley; Scott; D. Sommers; Tate; and Vance.

Excused: Representatives Appelwick, Chair; Belcher; Broback; Forner; Locke; H. Myers; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

March 22, 1991

SSB 5031 Prime Sponsor, Committee on Law & Justice: Creating a crime stoppers assistance office. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:
NEW SECTION. Sec. 1. (1) The attorney general shall establish a Crime Stoppers assistance office to work in conjunction with local Crime Stoppers organizations, sheriffs,

and police chiefs to design model Crime Stoppers programs and provide training and assistance to local Crime Stoppers efforts.

(2) The Crime Stoppers assistance office may distribute appropriated funds in the form of grants to law enforcement agencies or local jurisdictions with qualified Crime Stoppers programs as follows:

(a) The Crime Stoppers assistance office may accept applications for grants from law enforcement agencies or local jurisdictions with Crime Stoppers programs identical or similar to the model programs or from law enforcement agencies or local jurisdictions wishing to start such programs.

(b) The Crime Stoppers assistance office will determine what matching resources, if any, should be required from those Crime Stoppers programs seeking grants.

(c) At least twenty-five percent of the grants given in any biennium must be for training, public awareness efforts, and establishing new programs.

(d) Grants awarded to local jurisdictions shall be used for operating costs of Crime Stoppers programs, and may not be used for rewards.

(e) Law enforcement agencies or local jurisdictions may not receive more than one grant under this section. The grant may be awarded either to start a Crime Stoppers program or to expand an existing Crime Stoppers program but not both.

NEW SECTION. Sec. 2. The attorney general shall appoint an advisory council to periodically review the Crime Stoppers program and report to the legislature, not later than January 1 of each year, on the program's administration and its progress in achieving its objectives.

NEW SECTION. Sec. 3. The attorney general may adopt rules as are necessary to achieve the goals of this program.

NEW SECTION. Sec. 4. This act shall expire on June 30, 1993.

On page 1, line 2 of the title, after "office;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

Signed by Representatives Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Broback; Hargrove; Inslee; R. Meyers; Mielke; Riley; Scott; D. Sommers; Tate; and Vance.

Excused: Representatives Appelwick, Chair; Belcher; Broback; Forner; Locke; H. Myers; Tate; and Wineberry.

Referred to Committee on Appropriations.

March 26, 1991

SB 5036 Prime Sponsor, Senator Barr: Establishing a livestock market net worth requirement. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; McLean; Rasmussen; and Roland.

Excused: Representative Lisk.

Passed to Committee on Rules for second reading.

March 25, 1991

SSB 5106 Prime Sponsor, Committee on Transportation: Adopting the supplemental transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; R. Meyers, Vice Chair; Betzoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Brough; Cantwell; Cooper; Day; G. Fisher; Forner; Haugen; Horn; P. Johnson; R. Johnson; Jones; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representative Basich; Heavey; Horn; and Kremen.

Passed to Committee on Rules for second reading.

March 25, 1991

SB 5190 Prime Sponsor, Senator Bailey: Permitting compensation of school directors' association directors. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Betzoff; Broback; Brumsickle; Cole; Dorn; P. Johnson; Jones; Neher; Orr; Phillips; Rasmussen; Roland; H. Sommers; and Valle.

Excused: Representative Holland.

Passed to Committee on Rules for second reading.

March 25, 1991

SB 5220 Prime Sponsor, Senator Patterson: Modifying railroad crossing inspection fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; R. Meyers, Vice Chair; Betzoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Brough; Cantwell; Cooper; Day; G. Fisher; Forner; Haugen; Horn; P. Johnson; R. Johnson; Jones; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives Basich; Heavey; Horn; and Kremen.

Passed to Committee on Rules for second reading.

March 25, 1991

SB 5221 Prime Sponsor, Senator Sellar: Requiring motor carriers to submit copies of contracts with permit applications. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; R. Meyers, Vice Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Brough; Cantwell; Cooper; Day; G. Fisher; Forner; Haugen; Horn; P. Johnson; R. Johnson; Jones; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives Basich; Heavey; Horn; and Kremen.

Passed to Committee on Rules for second reading.

March 25, 1991

SB 5367 Prime Sponsor, Senator Patterson: Concerning the transport of recovered materials. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; R. Meyers, Vice Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Brough; Cantwell; Cooper; Day; G. Fisher; Forner; Haugen; Horn; P. Johnson; R. Johnson; Jones; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives Basich; Heavey; Horn; and Kremen.

Passed to Committee on Rules for second reading.

March 25, 1991

SB 5449 Prime Sponsor, Senator Sellar: Requiring notice of the appeals process to discharged educational employees. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 8, after "right" strike "and of the appeal process" and insert ", notice that a description of the appeal process is available, and how the description of the appeal process may be obtained"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Betrozoff; Broback; Brumsickle; Cole; Dorn; P. Johnson; Jones; Neher; Orr; Phillips; Rasmussen; Roland; H. Sommers; and Valle.

Excused: Representative Holland.

Passed to Committee on Rules for second reading.

March 22, 1991

SSB 5466 Prime Sponsor, Committee on Law & Justice: Limiting the strict liability of pharmacists.

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 18.64 RCW to read as follows:

(1) A pharmacist who dispenses a prescription product in the form manufactured by a commercial manufacturer pursuant to a prescription issued by a licensed practitioner is not liable to a person who was injured through the use of the product, based on a claim of the following:

(a) Strict liability in tort; or

(b) Implied warranty provisions under the uniform commercial code Title 62 RCW.

(2) The limitation on pharmacist's liability as provided in subsection (1) of this section shall only apply if the pharmacist complies with recordkeeping requirements pursuant to chapters 18.64, 69.41, and 69.50 RCW, and related administrative rules.

(3) A pharmacist who dispenses a prescription product in the form manufactured by a commercial manufacturer issued by a licensed practitioner is liable to the claimant only if the claimant's harm was proximately caused by (a) the negligence of the pharmacist; (b) breach of an express warranty made by the pharmacist; or (c) the intentional misrepresentation of facts about the product by the pharmacist or the intentional concealment of information about the product by the pharmacist. A pharmacist shall not be liable for the product manufacturer's liability except as provided in RCW 7.72.040.

Sec. 2. RCW 7.72.040 and 1981 c 27 s 5 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a product seller other than a manufacturer is liable to the claimant only if the claimant's harm was proximately caused by:

(a) The negligence of such product seller; or

(b) Breach of an express warranty made by such product seller; or

(c) The intentional misrepresentation of facts about the product by such product seller or the intentional concealment of information about the product by such product seller.

(2) A product seller, other than a manufacturer, shall have the liability of a manufacturer to the claimant if:

(a) No solvent manufacturer who would be liable to the claimant is subject to service of process under the laws of the claimant's domicile or the state of Washington; or

(b) The court determines that it is highly probable that the claimant would be unable to enforce a judgment against any manufacturer; or

(c) The product seller is a controlled subsidiary of a manufacturer, or the manufacturer is a controlled subsidiary of the product seller; or

(d) The product seller provided the plans or specifications for the manufacture or preparation of the product and such plans or specifications were a proximate cause of the defect in the product; or

(e) The product was marketed under a trade name or brand name of the product seller.

(3) Subsection (2) of this section does not apply to a pharmacist who dispenses a prescription product in the form manufactured by a commercial manufacturer pursuant to a prescription issued by a licensed practitioner if the pharmacist complies with recordkeeping requirements pursuant to chapters 18.64, 69.41, and 69.50 RCW, and related administrative rules.

Sec. 3. RCW 7.72.010 and 1981 c 27 s 2 are each amended to read as follows:

For the purposes of this chapter, unless the context clearly indicates to the contrary:

(1) Product seller. "Product seller" means any person or entity that is engaged in the business of selling products, whether the sale is for resale, or for use or consumption. The term includes a manufacturer, wholesaler, distributor, or retailer of the relevant product. The term also includes a party who is in the business of leasing or bailing such products. The term "product seller" does not include:

(a) A seller of real property, unless that person is engaged in the mass production and sale of standardized dwellings or is otherwise a product seller;

(b) A provider of professional services who utilizes or sells products within the legally authorized scope of the professional practice of the provider;

(c) A commercial seller of used products who resells a product after use by a consumer or other product user: PROVIDED, That when it is resold, the used product is in essentially the same condition as when it was acquired for resale; ~~(and)~~

(d) A finance lessor who is not otherwise a product seller. A "finance lessor" is one who acts in a financial capacity, who is not a manufacturer, wholesaler, distributor, or retailer, and who leases a product without having a reasonable opportunity to inspect and discover defects in the product, under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(e) A licensed pharmacist who dispenses a prescription product manufactured by a commercial manufacturer pursuant to a prescription issued by a licensed prescribing practitioner if the claim against the pharmacist is based upon strict liability in tort or the implied warranty provisions under the uniform commercial code, Title 62A RCW, and if the pharmacist complies with recordkeeping requirements pursuant to chapters 18.64, 69.41, and 69.50 RCW, and related administrative rules as provided in section 2 of this act. Nothing in this subsection (1)(e) affects a pharmacist's liability under RCW 7.72.040(1).

(2) Manufacturer. "Manufacturer" includes a product seller who designs, produces, makes, fabricates, constructs, or remanufactures the relevant product or component part of a product before its sale to a user or consumer. The term also includes a product seller or entity not otherwise a manufacturer that holds itself out as a manufacturer.

A product seller acting primarily as a wholesaler, distributor, or retailer of a product may be a "manufacturer" but only to the extent that it designs, produces, makes, fabricates, constructs, or remanufactures the product for its sale. A product seller who performs minor assembly of a product in accordance with the instructions of the manufacturer shall not be deemed a manufacturer. A product seller that did not participate in the design of a product and that constructed the product in accordance with the design specifications of the claimant or another product seller shall not be deemed a manufacturer for the purposes of RCW 7.72.030(1)(a).

(3) Product. "Product" means any object possessing intrinsic value, capable of delivery either as an assembled whole or as a component part or parts, and produced for introduction into trade or commerce. Human tissue and organs, including human blood and its components, are excluded from this term.

The "relevant product" under this chapter is that product or its component part or parts, which gave rise to the product liability claim.

(4) Product liability claim. "Product liability claim" includes any claim or action brought for harm caused by the manufacture, production, making, construction, fabrication, design, formula, preparation, assembly, installation, testing, warnings, instructions, marketing, packaging, storage or labeling of the relevant product. It includes, but is not limited to, any claim or action previously based on: Strict liability in tort; negligence; breach of express or implied warranty; breach of, or failure to, discharge a duty to warn or instruct, whether negligent or innocent; misrepresentation, concealment, or nondisclosure, whether negligent or innocent; or other claim or action previously based on any other substantive legal theory except fraud, intentionally caused harm or a claim or action under the consumer protection act, chapter 19.86 RCW.

(5) Claimant. "Claimant" means a person or entity asserting a product liability claim, including a wrongful death action, and, if the claim is asserted through or on behalf of an estate, the term includes claimant's decedent. "Claimant" includes any person or entity that suffers harm. A claim may be asserted under this chapter even though the

claimant did not buy the product from, or enter into any contractual relationship with, the product seller.

(6) Harm. "Harm" includes any damages recognized by the courts of this state: PROVIDED, That the term "harm" does not include direct or consequential economic loss under Title 62A RCW.

On page 1, line 3 of the title, after "62A RCW;" strike the remainder of the title and insert "amending RCW 7.72.040 and 7.72.010; and adding a new section to chapter 18.64 RCW."

Signed by Representatives Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Broback; Inslee; R. Meyers; Mielke; Riley; Scott; D. Sommers; Tate; and Vance.

Excused: Representatives Appelwick, Chair; Belcher; Broback; Forner; Inslee; Locke; H. Myers; and Wineberry.

Passed to Committee on Rules for second reading.

MOTION

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

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

MOTION

On motion of Mr. Dorn, Committee on Rules was relieved of Substitute Senate Bill No. 5806 and the bill was placed on the second reading calendar.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5806, by Senate Committee on Transportation (originally sponsored by Senators Patterson, Matson, Hansen, Vognild, Snyder, Barr, Hayner, Newhouse, Owen, Oke, Metcalf, Jesernig, Madsen, Conner, McMullen, Sellar, Johnson, Bailey and L. Smith)

Authorizing loans and grants to preserve underground petroleum storage tanks in rural areas.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 68th Day, March 22, 1991.)

Mr. Dellwo moved adoption of the committee amendment. Representatives Dellwo and Prince spoke in favor of adoption of the committee amendment, and it was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5806 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Appelwick, Fisher R., Locke, Phillips - 04.

Substitute Senate Bill No. 5806 as amended by the House, having received the constitutional majority, was declared passed.

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

RESOLUTION

HOUSE RESOLUTION NO. 91-4657, by Representatives Wineberry, Anderson, Heavey, Zellinsky, Locke, O'Brien and Valle

WHEREAS, Garfield High School was founded in 1920 and is one of the oldest high schools in Seattle; and

WHEREAS, Garfield's ethnically diverse student body is known for its academic, athletic, and artistic achievement; and

WHEREAS, Fifteen Garfield students won National Merit Scholarships this year; and

WHEREAS, The Garfield Bulldogs won this year's State Class AAA Boys Basketball Tournament for the tenth time in the school's history; and

WHEREAS, The Garfield Jazz Band was recognized this month as the best high school jazz band in the state and is one of twenty-five high school bands

in the world to be invited to perform at the 25th anniversary Montreux Jazz Festival in Switzerland; and

WHEREAS, Garfield students participate in the world outside of school through their Natural Helpers substance abuse peer counseling program, beach cleaning, and other environmental activities and student exchange programs with high schools in Seattle's Soviet sister city, Tashkent; and

WHEREAS, Garfield's principle that "Everybody is Somebody" has produced such illustrious alumni as Quincy Jones, Jimi Hendrix, Bruce Lee, Debbie Armstrong, and Martin Selig, as well as state Representatives Mike Heavey and Paul Zellinsky; and

WHEREAS, Garfield's science magnet program attracts the top one percent of Seattle's academically gifted students and produces more national merit scholars than any other high school in the state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington declare March 28, 1991, Garfield High School Day in Olympia and recognize the leadership of principal Perry Wilkins in fostering achievement at Garfield; and

BE IT FURTHER RESOLVED, That the House of Representatives also recognize the talent and musicianship of band leader Clarence Acox; and

BE IT FURTHER RESOLVED, That basketball coach Al Hairston and team co-captains Bryan Boston and Derrick Quinet are honored for their leadership, sportsmanship, and skill in leading the boys basketball team to victory; and

BE IT FURTHER RESOLVED, That the entire student body, faculty, and staff of Garfield High School are commended for their achievement, commitment, and pursuit of educational excellence, which is a role model for other schools state-wide; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Governor Booth Gardner, Superintendent of Public Instruction Judith A. Billings, Seattle School Superintendent William M. Kendrick, Principal Perry Wilkins, and students and representatives of Garfield High School.

Mr. Wineberry moved adoption of the resolution. Representatives Wineberry and Zellinsky spoke in favor of the resolution.

House Resolution No. 91-4657 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) introduced Cosmonaut Valentine Lebedev and his wife Ludmilla, who were brought to Washington State by George Moynihan and the Pacific Science Center for the "Soviet Space" exhibit. Cosmonaut Lebedev spoke briefly to the members of the House of Representatives.

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

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Friday March 29, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 29, 1991

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Ballard, Brekke, R. Meyers, Mitchell, Moyer, Nelson and Valle, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joshua Grabel and Marilyn Kennedy. Prayer was offered by The Reverend Barbara Riker, Minister of St. Benedict's Episcopal Church of Lacey.

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

MESSAGES FROM THE SENATE

March 27, 1991

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5806 and passed the bill as amended by the House.

W. D. Naismith, Deputy Secretary.

March 27, 1991

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1060,
SUBSTITUTE HOUSE BILL NO. 1062,
HOUSE BILL NO. 1063,
HOUSE BILL NO. 1195,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

March 28, 1991

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5806,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

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

REPORTS OF STANDING COMMITTEES

March 26, 1991

ESB 5009 Prime Sponsor, Senator Barr: Changing record keeping and posting requirements for pesticide use. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 17.21.100 and 1989 c 380 s 39 are each amended to read as follows:

(1) ~~((Except as provided in subsection (7) of this section,))~~ Pesticide applicators licensed under the provisions of this chapter and all persons applying pesticides to more than one acre of agricultural land in a calendar year, including public entities engaged in roadside spraying of pesticides, shall keep records ~~((on a form prescribed by the director))~~ regarding each application which shall include the following information:

(a) The location of the land where the pesticide was applied.

(b) The year, month, day and time the pesticide was applied.

(c) The product name used on the registered label and the United States environmental protection agency registration number, if applicable, of the pesticide which was applied.

(d) The crop or site to which the pesticide was applied.

(e) The amount of pesticide applied per acre or other appropriate measure.

(f) The concentration of pesticide that was applied.

(g) The number of acres, or other appropriate measure, to which the pesticide was applied.

(h) The licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application.

(i) The direction and estimated velocity of the wind at the time the pesticide was applied: PROVIDED, That this subsection (i) shall not apply to applications of baits in bait stations and pesticide applications within structures.

(j) Any other reasonable information required by the director.

(2)(a) Records shall be updated on the same day that a pesticide is applied.

(b) A commercial pesticide applicator who applies a pesticide to an agricultural crop or agricultural lands shall submit the information for the application required under subsection (1) of this section to the owner, or to the lessee if applied on behalf of the lessee, of the lands to which the pesticide is applied.

(3) Such records shall be kept by the licensed applicator or such other person or entity applying the pesticides for a period of seven years from the date of the application of the pesticide to which such records refer~~((, and the director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee: PROVIDED, That the director may require the submission of such records within thirty days of the application of any restricted use pesticide in prescribed areas controlling the use of such restricted use pesticide)).~~ If the pesticide was applied by a commercial pesticide applicator to the agricultural crop or agricultural lands of a person who employs one or more employees, as "employee" is defined in RCW 49.70.020, such records shall also be kept by the employer for a period of seven years from the date of the application of the pesticide to which the records refer.

(4) The pesticide records shall be readily available to: The department; the department of labor and industries; treating medical personnel initiating diagnostic testing or therapy for a patient with a suspected case of pesticide poisoning; the department of social and health services; the pesticide incident reporting and tracking panel; and, in the case of an industrial insurance claim filed under Title 51 RCW with the department of

labor and industries, the employee or the employee's designated representative and the department of labor and industries. In addition, the director may require the submission of such records on a routine basis within thirty days of the application of any restricted use pesticide in prescribed areas controlling the use of such restricted use pesticide.

(5) If a request for information is made under subsection (4) of this section from an applicator referred to in subsection (1) of this section and the applicator refuses to provide a copy of the records, the department shall be notified of the request and the applicator's refusal. Within seven working days, the department shall request that the applicator provide the department with all pertinent copies, except that in a medical emergency the request shall be made within two working days. The applicator shall provide copies of the records to the department within twenty-four hours after the department's request.

(6) The department of agriculture (~~and the department of labor and industries~~) shall (~~jointly~~) adopt, by rule, (~~one form that satisfies~~) forms that satisfy the information requirements of this section (and RCW 49.70.119. Records kept on the prescribed form under RCW 49.70.119 may be used to comply with this section.

(7) ~~This section shall not apply to the owner or operator of a dairy farm with respect to his or her application of pesticides to the farm).~~

(7)(a) Except as provided in (b) of this subsection, information supplied to a person or entity under this section or under RCW 49.70.119 or made available for inspection or other access upon request under this section or RCW 49.70.119 shall be supplied or made available on a form adopted by the department under this section.

(b) Information submitted by a commercial pesticide applicator to the owner or lessee of agricultural lands under subsection (2)(b) of this section need not be submitted on a form adopted by the department. However, if the information is not submitted on such a form, it must be readily understandable to a reasonable person.

Sec. 2. RCW 49.70.117 and 1989 c 380 s 76 are each amended to read as follows:

(1) If a pesticide having a reentry interval of greater than twenty-four hours is applied to a labor-intensive agricultural crop, the pesticide-treated area shall be posted with warning signs in accordance with the requirements of this section.

(2) When pesticide warning signs are required under this section, the employer shall post signs visible from all usual points of entry to the pesticide-treated area. If there are no usual points of entry or the area is adjacent to an unfenced public right of way, signs shall be posted (a) at each corner of the pesticide-treated area, and (b) at intervals not exceeding six hundred feet, or (c) at other locations approved by the department that provide maximum visibility.

(3) The signs shall be posted (~~no sooner than~~) within twenty-four hours before the scheduled application of the pesticide, remain posted during application and throughout the applicable reentry interval, and be removed within two days after the expiration of the applicable reentry interval and before employee reentry is permitted. Employees working in an area scheduled for a pesticide application shall be informed of the application and shall vacate the area to be sprayed prior to application of the pesticide.

(4) Signs shall be legible for the duration of use. Signs shall contain a prominent symbol approved by the department of agriculture and the department of labor and industries by rule, and wording shall be in English and Spanish or other languages as required by the department. Signs shall meet the minimum specifications of rules adopted by the department, which rules shall include, at a minimum, size and lettering requirements.

Sec. 3. RCW 49.70.119 and 1989 c 380 s 77 are each amended to read as follows:

(1) An employer who applies (~~or stores~~) pesticides in connection with the production of an agricultural crop, or who causes pesticides to be applied in connection with such production, shall (compile and maintain a workplace pesticide list by crop for each pesticide that is applied to a crop or stored in a work area. The workplace pesticide

list shall be kept on a form prescribed by the department and shall contain at least the following information:

- (a) ~~The location of the land where the pesticide was applied or site where the pesticide was stored;~~
- (b) ~~The year, month, day, and time the pesticide was applied;~~
- (c) ~~The product name used on the registered label and the United States environmental protection agency registration number, if applicable, of the pesticide that was applied or stored;~~
- (d) ~~The crop or site to which the pesticide was applied;~~
- (e) ~~The amount of pesticide applied per acre, or other appropriate measure;~~
- (f) ~~The concentration of pesticide that was applied;~~
- (g) ~~The number of acres, or other appropriate measure, to which pesticide was applied;~~
- (h) ~~If applicable, the licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application; and~~
- (i) ~~The direction and estimated velocity of the wind at the time the pesticide was applied: PROVIDED, That this subsection (i) shall not apply to applications of baits in bait stations and pesticide applications within structures.~~

~~(2) The employer shall update the workplace pesticide list on the same day that a pesticide is applied or is first stored in a work area.~~

~~(3) The workplace pesticide list may be prepared for the workplace as a whole or for each work area and must) keep records regarding each application which shall include the information required under RCW 17.21.100. This information shall be readily available to the employer's employees and their designated representatives. New or newly assigned employees shall be made aware of the ((pesticide chemical list before working with pesticides or in a work area containing pesticides)) availability of the information.~~

~~((4) An employer subject to this section shall maintain one form for each crop, work area, or workplace as a whole, as appropriate, and shall add information to the form as different pesticides are applied or stored. The forms shall be accessible and available for copying and) The information shall be stored in a location suitable to preserve ((their)) its physical integrity. The employer shall maintain and preserve the ((forms)) information required under this section for no less than seven years. ((The records shall include an estimation of the total amount of each pesticide listed on the forms.~~

~~(5)) After July 23, 1989, if an employer has failed to maintain and preserve the ((forms)) information as required, the employer shall be subject to any applicable penalties authorized under this chapter or chapter 49.17 RCW. ((6)) If activities for which ((forms are)) the information is maintained cease ((at a workplace)) on a farm, the ((forms)) information shall be filed with the department. If an employer subject to this section is succeeded or replaced in that function by another person, the person who succeeds or replaces the employer shall retain the ((forms)) information as required by this section but is not liable for violations committed by the former employer under this chapter or rules adopted under this chapter, including violations relating to the retention and preservation of ((forms)) information.~~

~~((7)) (2) In addition to providing information under subsection (1) of this section, the employer shall provide ((copies of the forms)) the information required under RCW 17.21.100 regarding the application or applications of one or more pesticides, on request, to an employee or the employee's designated representative in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries, treating medical personnel, the pesticide incident reporting and tracking review panel, or department representative. The designated representative or treating medical personnel are not required to identify the employee represented or treated. The department shall keep the name of any affected employee confidential in accordance with RCW~~

49.17.080(1). If an employee, a designated representative, treating medical personnel, or the pesticide incident reporting and tracking review panel requests ~~((a copy of a form))~~ such information and the employer refuses to provide ~~((a copy))~~ the information, the requester shall notify the department of the request and the employer's refusal. Within seven working days, the department shall request that the employer provide the department with all pertinent ~~((copies))~~ information, except that in a medical emergency the request shall be made within two working days. The employer shall provide ~~((copies of the form))~~ the information to the department within twenty-four hours after the department's request.

~~((8) The department of labor and industries and the department of agriculture shall jointly adopt, by rule, one form that satisfies the information requirements of this section and RCW 17.21.100. Records kept by the employer on the prescribed form under RCW 17.21.100 may be used to comply with the workplace pesticide list information requirements under this section.))~~

(3) Information provided to any person or entity under this section or made available for inspection or other access upon request under this section shall be provided or made available on a form adopted by the department of agriculture under RCW 17.21.100.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "keeping;" strike the remainder of the title and insert "amending RCW 17.21.100, 49.70.117, and 49.70.119; and declaring an emergency."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; McLean; Rasmussen; and Roland.

Excused: Representative Lisk.

Referred to Committee on Commerce & Labor.

March 27, 1991

SB 5104 Prime Sponsor, Senator Moore: Revising pilot examinations.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 6, after "district," insert "The board shall provide, as prescribed by rule, reasonable advance notice of the examination."

Signed by Representatives R. Fisher, Chair; Betzoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Brough; Cantwell; Cooper; G. Fisher; Former; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives R. Meyers, Vice Chair; Day; Haugen; and Heavey.

Passed to Committee on Rules for second reading.

March 26, 1991

SSB 5108 Prime Sponsor, Committee on Financial Institutions & Insurance: Regulating promotional advertising of prizes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 2, at the end of line 17, insert ""Prize" does not include an item offered in a promotion where all of the following elements are present:

(a) No element of chance is involved in obtaining the item offered in the promotion;

(b) The recipient has the right to review the merchandise offered for sale without obligation for at least seven days, and has a right to obtain a full refund in thirty days for the return of undamaged merchandise;

(c) The recipient may keep the item offered in the promotion without obligation; and

(d) The recipient is not required to attend any sales presentation or spend any sum in order to receive the item offered in the promotion."

On page 2, line 20, after "specific" insert "named"

On page 2, beginning on line 23, after "property" strike all material through "property" on line 24

On page 4, line 25, after "item" insert "in an offer"

Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

Excused: Representative Lisk, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 25, 1991

SB 5219 Prime Sponsor, Senator Patterson: Changing the limits on liability of common carriers for damage or loss of baggage. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; R. Meyers, Vice Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Brough; Cantwell; Cooper; Day; G. Fisher; Forner; Haugen; Horn; P. Johnson; R. Johnson; Jones; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives Basich; Heavey; Horn; Kremen; and Zellinsky.

Passed to Committee on Rules for second reading.

March 26, 1991

ESSB 5256 Prime Sponsor, Senator Committee on Law & Justice: Providing franchise investment protection. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:
On page 27, line 6, after "is" strike "fifty" and insert "one hundred"
On page 27, line 7, after "and" strike "fifty" and insert "one hundred"

Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Franklin; R. King; O'Brien; Prentice; Vance; and Wilson.

MINORITY recommendation: Without recommendation. Signed by Representative Jones.

Excused: Representative Lisk, Assistant Ranking Minority Member.

Referred to Committee on Revenue.

March 27, 1991

SSB 5276 Prime Sponsor, Committee on Transportation: Requiring notice for impounded vehicle disposition. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Betzoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Brough; Cantwell; Cooper; G. Fisher; Former; Haugen; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; and Zellinsky.

Excused: Representatives R. Meyers, Vice Chair; Day; and Heavey.

Passed to Committee on Rules for second reading.

March 27, 1991

SSB 5288 Prime Sponsor, Committee on Transportation: Renaming the state portion of Interstate 90 the American Veterans Memorial Highway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Betzoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Brough; Cantwell; Cooper; G. Fisher; Former; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives R. Meyers, Vice Chair; Cantwell; Cooper; Day; Haugen; Heavey; and Horn.

Passed to Committee on Rules for second reading.

March 28, 1991

SSB 5383 Prime Sponsor, Committee on Commerce & Labor: Regarding the administration of prevailing wages. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

Excused: Representative Wilson.

Passed to Committee on Rules for second reading.

March 26, 1991

SB 5391 Prime Sponsor, Senator Thorsness: Authorizing the utilities and transportation commission to appoint persons to do emergency adjudications. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Casada; Cooper; R. Fisher; Jacobsen; Miller; and Rayburn.

Excused: Representatives Cooper and Miller.

Passed to Committee on Rules for second reading.

March 27, 1991

SB 5434 Prime Sponsor, Senator Patterson: Repealing certain regulatory authority over railroads. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Brough; Cantwell; Cooper; G. Fisher; Former; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives R. Meyers, Vice Chair; Day, Haugen; and Heavey.

Passed to Committee on Rules for second reading.

March 26, 1991

SB 5441 Prime Sponsor, Senator Rasmussen: Amending bookmaking provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

Excused: Representative Lisk, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 28, 1991

SSB 5450 Prime Sponsor, Committee on Commerce & Labor: Concerning pasteurization in relation to licenses for the sale of beer. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

Excused: Representatives Lisk, Assistant Ranking Minority Member; Vance; and Wilson.

Passed to Committee on Rules for second reading.

March 27, 1991

SSB 5504 Prime Sponsor, Committee on Ways & Means: Establishing student teaching centers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Broback; Brumsickle; Cole; Holland; P. Johnson; Neher; Orr; and Valle.

Excused: Representatives Dorn; Jones; Phillips; Roland; and H. Sommers.

Referred to Committee on Appropriations.

March 28, 1991

SSB 5520 Prime Sponsor, Committee on Commerce & Labor: Creating permits for wine shipments to and from individuals. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

Passed to Committee on Rules for second reading.

March 27, 1991

SSB 5577 Prime Sponsor, Committee on Health & Long-Term Care: Revising the responsibilities of the board of medical examiners. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; Franklin; Morris; Paris; Prentice; and Sprengle.

Excused: Representative Sprengle.

Passed to Committee on Rules for second reading.

March 27, 1991

SSB 5611 Prime Sponsor, Committee on Transportation: Studying the excise tax imposed upon car rental vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8, after "excise" insert ", sales and business and occupation"

On page 1, line 9, after "upon" strike "car" and insert "fleet"

On page 2, line 6, after "tax;" insert "(d) The impacts of business and occupation taxes for in-state and out-of-state fleet purchases by rental companies;"

Reletter the remaining subsections accordingly.

Signed by Representatives R. Fisher, Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Brough; Cantwell; Cooper; G. Fisher; Forner; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives R. Meyers, Vice Chair; Day; Haugen; and Heavey.

Passed to Committee on Rules for second reading.

March 28, 1991

SSB 5613 Prime Sponsor, Committee on Commerce & Labor: Regulating pawnbrokers and second-hand dealers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 29, insert:

"(10) "Negotiable written instruments" include, but are not limited to, stocks, bonds, notes, or promissory notes, and checks of any kind, and shall not be accepted nor shall they constitute personal property for the purpose of a loan transaction."

On page 8, line 12, after "of" strike "four" and insert "three"

Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

Excused: Representatives Vance and Wilson.

Passed to Committee on Rules for second reading.

March 28, 1991

SB 5651 Prime Sponsor, Senator Saling: Adding the Little Spokane river to the scenic river system. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Hargrove; Riley; Sheldon; and Wynne.

MINORITY recommendation: Without recommendation. Signed by Representative Morton.

Excused: Representative Scott, Vice Chair.

Passed to Committee on Rules for second reading.

March 28, 1991

SSB 5666 Prime Sponsor, Committee on Environment & Natural Resources: Protecting salmon and steelhead resources from nonendangered marine mammals. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 1, after "action" strike "under RCW 75.08.012 and 77.12.240"

On page 2, beginning on line 3, strike section 2.

Renumber sections consecutively and correct internal references accordingly.

On page 3, beginning on line 1, strike the remainder of the act and insert:

"(3) Where the department of wildlife or the department of fisheries has determined that marine mammals are preventing the achievement of escapement goals for identified anadromous fish runs, the department of wildlife shall pursue all available options in order to gain authority from the National Marine Fisheries Service to take marine mammals. Taking shall include harassing, hunting, capturing, or killing marine mammals, or attempting any of these actions. The department of wildlife shall make every effort within its authority to control these marine mammals so that escapement goals can be reached.

NEW SECTION. Sec. 3. The department of fisheries shall support the department of wildlife in its efforts under this act to gain authority from the National Marine Fisheries Service to control marine mammals."

On page 1, strike line 2 of the title and insert "77.12.240; and creating new sections."

Signed by Representatives R. King, Chair; Morris, Vice Chair; Wilson, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Basich; Cole; Haugen; Hochstatter; Orr; Padden; and Spanel.

Passed to Committee on Rules for second reading.

March 26, 1991

SSB 5762 Prime Sponsor, Committee on Energy & Utilities: Financing water company safety improvements. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Casada; Cooper; R. Fisher; Jacobsen; Miller; and Rayburn.

Excused: Representatives Cooper and Rayburn.

Passed to Committee on Rules for second reading.

March 28, 1991

SB 5778 Prime Sponsor, Senator Newhouse: Requiring persons filing reports of pesticide damage to cooperate with the department of agriculture. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; and Rasmussen.

Excused: Representative Roland.

Passed to Committee on Rules for second reading.

March 26, 1991

ESSB 5790 Prime Sponsor, Committee on Financial Institutions & Insurance: Concerning automobile liability insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 46.30.020 and 1989 c 353 s 2 are each amended to read as follows:

(1) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090.

(2) A violation of this section constitutes a traffic infraction (~~(punishable by a fine of two hundred and fifty dollars unless a court determines that in the interest of justice the fine should be reduced. In lieu of the fine, a court may permit the defendant to perform community service designated by the court).~~ A person found to have committed such infraction shall be assessed a monetary penalty or community service in accordance with RCW 46.63.110 and 46.63.120.

(3) If a person cited for a violation of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with this section, the citation shall be dismissed without cost. In lieu of personal appearance, a person cited for a violation of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with this section, in which case the citation shall be dismissed without cost.

(4) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW (~~46.16.310 or 46.16.315,~~) 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(5) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

(6) An investigating officer may issue a citation for a violation of this section if the person fails to provide evidence of financial responsibility or insurance as required under RCW 46.30.040.

Sec. 2. RCW 46.30.040 and 1989 c 353 s 4 are each amended to read as follows:

(1) Whenever a person operates a motor vehicle subject to registration under chapter 46.16 RCW, the person shall have in his or her possession an identification card of the type specified in RCW 46.30.030 and shall display the card upon demand to a law enforcement officer.

(2) Every person who drives a motor vehicle required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(3) A violation of subsection (1) or (2) of this section is not a traffic infraction. Failure to provide evidence of financial responsibility as required under subsection (1) or (2) of this section is reasonable cause for an investigating officer to believe that the person driving the motor vehicle is not insured or otherwise financially responsible as required by RCW 46.30.020(1). The officer may cite the person for a traffic infraction under RCW 46.30.020.

(4) Any person who knowingly provides false evidence of financial responsibility to a law enforcement officer or to a court, including an expired or canceled insurance policy, bond, or certificate of deposit is guilty of a misdemeanor.

In line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 46.30.020 and 46.30.040; and prescribing penalties."

Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Broback, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Anderson; Dorn; Inslee; R. Johnson; R. Meyers; Paris; Schmidt; Scott; and Winsley.

Passed to Committee on Rules for second reading.

March 27, 1991

SSB 5796 Prime Sponsor, Committee on Health & Long-Term Care: Making major changes to nursing assistant licensure. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; Franklin; Morris; Paris; Prentice; and Sprenkle.

Excused: Representative Sprenkle.

Passed to Committee on Rules for second reading.

March 27, 1991

SB 5863 Prime Sponsor, Senator Sellar: Correcting internal references in rail freight property acquisition statutes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Brough; Cantwell; Cooper; G. Fisher; Fomer; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives R. Meyers, Vice Chair; Day; Haugen; and Heavey.

Passed to Committee on Rules for second reading.

March 28, 1991

SJM 8009 Prime Sponsor, Senator Hayner: Requesting Congress to create a HAMMER training center at Hanford. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Casada; Cooper; R. Fisher; Jacobsen; Miller; and Rayburn.

Excused: Representative Jacobsen.

Passed to Committee on Rules for second reading.

MOTION

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

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

RESOLUTION

HOUSE RESOLUTION NO. 91-4656, by Representatives Scott, R. King, Wood, Haugen, Wilson, Paris, R. Johnson, Wineberry and Anderson

WHEREAS, The city of Marysville, founded by James Purcell Comeford, became a city in March of 1891, and is celebrating its centennial; and

WHEREAS, Marysville has seen steady growth and prosperity since its early beginnings in the 1880's as a trading post and logging town; and

WHEREAS, Timber was the first principal industry and has been slowly replaced by light industry; and

WHEREAS, The Tulalip Indian Tribe borders Marysville on its western side and is the city's closest neighbor; and

WHEREAS, Marysville has a strong sense of community among the ten thousand current residents; and

WHEREAS, In June, Marysville is the site of the Famous Strawberry Festival that was started in the 1900's and is attended by people from throughout Washington state; and

WHEREAS, Marysville invites all citizens to share in their community pride, a pride that continues to make Marysville a special place to live;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives pays tribute to the early settlers of one hundred years ago who saw the promise of Marysville; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the city of Marysville's Mayor, Rita Matheny; Councilmembers Ken Baxter, Dave McGee, Dave Weiser, Donna Pedersen, Donna Wright, Lee Cundiff, Bob Lashua and; City Administrator Carolyn Sanden.

Ms. Scott moved adoption of the resolution. Representatives Scott, R. King, Wineberry, Wilson, Haugen and Wood spoke in favor of the resolution.

House Resolution No. 91-4656 was adopted.

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

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1060,
SUBSTITUTE HOUSE BILL NO. 1062,
HOUSE BILL NO. 1063,
HOUSE BILL NO. 1195,
SUBSTITUTE SENATE BILL NO. 5806.

MOTIONS

On motion of Mr. Ebersole, Engrossed Substitute Senate Bill No. 5086 was referred from Committee on Judiciary to Committee on Health Care.

On motion of Mr. Ebersole, Engrossed Second Substitute Senate Bill No. 5278 was referred from Committee on Judiciary to Committee on Health Care.

On motion of Mr. Ebersole, Substitute Senate Bill No. 5300 was referred from Committee on Fisheries & Wildlife to Committee on Revenue.

On motion of Mr. Ebersole, Second Substitute Senate Bill No. 5882 was referred from Committee on Judiciary to Committee on Financial Institutions & Insurance.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Monday, April 1, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 1, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Ballard, Casada, Grant, Haugen, Morris, Scott, Wood and Wynne, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andrea Gainer and Daniel Abbott. Prayer was offered by The Reverend Robert Christensen, Minister of the Olympia/Lacey Church of God.

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

MESSAGE FROM THE SENATE

March 29, 1991

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1267,
SUBSTITUTE HOUSE BILL NO. 1702,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2188 by Representatives Appelwick, Edmondson and Horn

AN ACT Relating to domestic relations; amending RCW 26.09.010, 26.09.015, 26.09.080, 26.09.090, 26.09.100, 26.09.160, 26.09.170, 26.09.175, 26.09.184, 26.09.225, 26.09.260, 26.09.280, 26.12.010, 26.12.060, 26.12.170, 26.12.190, 26.12.220, 26.18.070, 26.18.100, 26.18.110, 26.18.140, 26.19.020, 26.19.090, 26.21.230, 26.23.035, 26.23.050, 26.23.060, 26.23.070, 26.23.100, 26.23.110, 74.20.220, 74.20.310, 74.20A.055, and 74.20A.058; reenacting and amending RCW 26.09.260 and 26.23.110; adding new sections to chapter 26.12 RCW; adding new sections to chapter 26.19 RCW; adding a new section to chapter 26.23 RCW; adding a new section to chapter 74.20 RCW; adding new sections to chapter 74.20A

RCW; creating new sections; repealing RCW 26.12.090, 26.12.100, 26.12.110, 26.12.120, 26.12.130, 26.12.140, 26.12.150, 26.12.180, 26.12.200, 26.12.210, 26.19.010, 26.19.040, 26.19.060, 26.19.070, 26.19.080, and 26.19.110; prescribing penalties; and providing effective dates.

Referred to Committee on Judiciary.

HB 2189 by Representatives Miller, Jacobsen, May, Ogden, Wood, Holland, Franklin, Van Loven, Ferguson, Winsley, Mitchell, Fuhrman, Horn, Former, P. Johnson, Tate, Prentice and Anderson

AN ACT Relating to the students with disabilities endowed scholarship program; and adding a new chapter to Title 28B RCW.

Referred to Committees on Higher Education/Appropriations.

HB 2190 by Representatives Peery, Holland, Broback, Jacobsen, Edmondson, Vance, Ferguson, Winsley, Miller, Mitchell, Mielke, Fuhrman, Former, Spanel, Brough, Schmidt, Sheldon, P. Johnson, Tate, Pruitt, Prentice, Rasmussen and Anderson

AN ACT Relating to extending by three years the date when new teachers must obtain masters' degrees; and amending RCW 28A.410.050.

Referred to Committee on Education.

HB 2191 by Representatives Locke and Brough

AN ACT Relating to state facilities for the developmentally disabled.

Referred to Committee on Appropriations.

HB 2192 by Representative Locke

AN ACT Relating to developmental disabilities.

Referred to Committee on Appropriations.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

March 28, 1991

SSB 5008 Prime Sponsor, Committee on Commerce & Labor: Establishing the Pacific Northwest Economic Region. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Cantwell, Chair; Sheldon, Vice Chair; Forner, Ranking Minority Member; Betzoff, Assistant Ranking Minority Member; Ferguson; Kremen; Rasmussen; and Riley.

Excused: Representatives Ludwig; Moyer; Rasmussen; and Roland.

Referred to Committee on Appropriations.

March 28, 1991

SB 5041 Prime Sponsor, Senator Sellar: Permitting motorcyclists to use Washington state patrol approved audio headsets and earphones. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Meyers, Vice Chair; Betzoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Cantwell; Day; G. Fisher; Forner; Haugen; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives R. Fisher, Chair; Brough; Cooper; G. Fisher; Heavey; and Zellinsky.

Passed to Committee on Rules for second reading.

March 28, 1991

SSB 5045 Prime Sponsor, Committee on Energy & Utilities: Providing for investigation of consumer complaints regarding drinking water quality. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Casada; Cooper; R. Fisher; Jacobsen; Miller; and Rayburn.

Excused: Representative Jacobsen.

Passed to Committee on Rules for second reading.

March 27, 1991

SB 5049 Prime Sponsor, Senator Madsen: Simplifying disposal of abandoned junk vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 46.55.010 and 1989 c 111 s 1 are each amended to read as follows: The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for ninety-six consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds--public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting all the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has ((a)) an approximate fair market value equal only to the approximate value of the scrap in it.

(5) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(7) "Residential property" means property that has no more than four living units located on it.

(8) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(9) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(10) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(11) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(12) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

- (i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113 Immediately
- (ii) On a highway and tagged as described in RCW 46.55.085 24 hours
- (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately

(b) Private locations:

- (i) On residential property Immediately
- (ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately
- (iii) On private, nonresidential property, not posted 24 hours

Sec. 2. RCW 46.55.230 and 1987 c 311 s 19 are each amended to read as follows:

(1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director ~~((may))~~ shall inspect and ~~((certify that a vehicle meets the requirements of a))~~ may authorize the disposal of an abandoned junk vehicle. The person making the ~~((certification))~~ inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also ~~((describe in detail the damage or missing equipment to))~~ verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

(2) The law enforcement officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall ~~((obtain a junk vehicle notification form from the department. The landowner shall send by certified mail, notification))~~ mail a notice to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to ~~((contest the sale of a junk vehicle in a district court hearing))~~ arrange for the removal of the vehicle.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner ~~((shall place a legal notice of custody and sale in a newspaper of general circulation in the county. The newspaper notice shall include (a) the description of the vehicle; (b) the address of the location of the junk vehicle; (c) the date by which the registered or legal owner must redeem the vehicle; and (d) a telephone number where the landowner can be reached. If the vehicle remains unclaimed more than twenty days after publication of the notice, the landowner))~~ may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(6) The landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle's registered owner any costs incurred in the removal of the junk vehicle.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

(8) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

Sec. 3. RCW 46.55.240 and 1989 c 111 s 17 are each amended to read as follows:

(1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(c) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of (~~unauthorized~~) junk vehicles or parts thereof from private property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has

been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles.

In line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.55.010, 46.55.230, and 46.55.240."

Signed by Representatives R. Fisher, Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Brough; Cantwell; Cooper; G. Fisher; Haugen; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

MINORITY recommendation: Without recommendation. Signed by Representative Forner.

Excused: Representatives R. Meyers, Vice Chair; Day; and Heavey.

Passed to Committee on Rules for second reading.

March 28, 1991

SSB 5090 Prime Sponsor, Committee on Children & Family Services: Concerning foster family home licenses. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by members: Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Passed to Committee on Rules for second reading.

March 29, 1991

SB 5103 Prime Sponsor, Senator Craswell: Concerning the registration of engineers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

Excused: Representative Vance.

Passed to Committee on Rules for second reading.

March 28, 1991

ESSB 5114 Prime Sponsor, Committee on Ways & Means: Requiring safety enhancements for student transportation. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 2, after line 13, insert the following:

NEW SECTION. Sec. 4. By December 1, 1991, the superintendent of public instruction shall review the current use of aides on special education buses and provide to the education committees of the house of representatives and the senate recommended guidelines, with associated fiscal impacts, for increasing the use of aides on special education buses.

NEW SECTION. Sec. 5. The superintendent of public instruction, in cooperation with school districts, the state patrol, and local law enforcement personnel, shall develop a proposed definition and guidelines for implementing an expanded definition of "hazardous walking conditions" as used in RCW 28A.160.160(4) that would also include "social hazards." At a minimum, social hazards shall include areas with unacceptable levels of narcotic activity, sex offenders, prostitution, street violence, or environmentally dangerous conditions such as toxic waste dumps. The superintendent of public instruction shall submit its proposed definition and guidelines, with the projected fiscal impact of implementing the definition and guidelines, to the education committees of the house of representatives and the senate by December 1, 1991.

Renumber the remaining section and correct internal references accordingly.

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Betrozoff; Broback; Brumsickle; Cole; P. Johnson; Jones; Neher; Orr; Phillips; Rasmussen; H. Sommers; and Valle.

Excused: Representatives Dorn; Holland; and Roland.

Referred to Committee on Appropriations.

March 28, 1991

SSB 5116 Prime Sponsor, Committee on Education: Allowing school bus drivers to report violators. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 3, after line 2, insert:

NEW SECTION. Sec. 4. By December 1, 1991, the superintendent of public instruction shall review the current use of aides on special education buses and provide to the education committees of the house of representatives and the senate recommended guidelines, with associated fiscal impacts, for increasing the use of aides on special education buses.

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 3, beginning on line 3 and continuing through line 6, strike all of Sec. 4

On page 1, line 2 of the title, after "46.61 RCW;" insert "and" and after "section" strike "; and making an appropriation"

On page 1, line 2 of the title, after "creating" strike "a" and after "new" strike "section" and insert "sections"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Betrozoff; Broback; Brumsickle; Cole; P. Johnson; Jones; Neher; Phillips; Rasmussen; H. Sommers; and Valle.

Excused: Representatives Dorn; Holland; and Roland.

Passed to Committee on Rules for second reading.

March 28, 1991

SSB 5260 Prime Sponsor, Committee on Energy & Utilities: Regulating certain nonmunicipal water systems. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Casada; Cooper; R. Fisher; Jacobsen; Miller; and Rayburn.

Excused: Representative Jacobsen.

Passed to Committee on Rules for second reading.

March 28, 1991

SB 5290 Prime Sponsor, Senator Patterson: Defining resident for purposes of obtaining a valid driver's license. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Meyers, Vice Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Cantwell; Day; G. Fisher; Forner; Haugen; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives R. Fisher, Chair; Brough; Cooper; and Heavey.

Passed to Committee on Rules for second reading.

March 28, 1991

ESB 5311 Prime Sponsor, Senator McMullen: Exempting bare-boat charter boats from the provisions of the charter boat safety act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Meyers, Vice Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant

Ranking Minority Member; Basich; Cantwell; Day; G. Fisher; Forner; Haugen; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives R. Fisher; Chair; Brough; Cooper; G. Fisher; and Heavey.

Passed to Committee on Rules for second reading.

March 28, 1991

SB 5442 Prime Sponsor, Senator Moore: Changing motorcycle instruction permit restrictions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Meyers, Vice Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Cantwell; Day; G. Fisher; Forner; Haugen; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives R. Fisher; Chair; Brough; Cooper; G. Fisher; and Heavey.

Passed to Committee on Rules for second reading.

March 28, 1991

ESB 5476 Prime Sponsor, Senator Bailey: Affecting the marketing of milk. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; and Rasmussen.

Excused: Representatives Lisk and Roland.

Passed to Committee on Rules for second reading.

March 28, 1991

SSB 5583 Prime Sponsor, Committee on Commerce & Labor: Pertaining to the child care facility fund. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Cantwell, Chair; Sheldon, Vice Chair; Forner, Ranking Minority Member; Betrozoff, Assistant Ranking Minority Member; Ferguson; Kremen; Rasmussen; and Riley.

Excused: Representatives Ludwig; Moyer; and Roland.

Passed to Committee on Rules for second reading.

March 28, 1991

SSB 5645 Prime Sponsor, Committee on Energy & Utilities: Changing liability of handlers of low-level waste. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Casada; Cooper; R. Fisher; Jacobsen; Miller; and Rayburn.

Excused: Representative Jacobsen.

Passed to Committee on Rules for second reading.

March 28, 1991

SSB 5713 Prime Sponsor, Committee on Agriculture & Water Resources: Making changes to license administration by the department of agriculture. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment:

On page 14, line 30, after "20.01.430" strike "as now or hereafter amended" and insert "~~((as now or hereafter amended))~~. For a consignor who is participating in a pooling arrangement, the commission merchant shall, on the same day final remittance and accounting are made to the consignor as required by RCW 20.01.430, transmit to the consignor a summary of the records which are available for inspection by any consignor to that pool"

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; and Rasmussen.

Excused: Representative Roland.

Passed to Committee on Rules for second reading.

March 28, 1991

SSB 5720 Prime Sponsor, Committee on Transportation: Recodifying statutes on motorist information signs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Meyers, Vice Chair; Betzoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Cantwell; Day; G. Fisher; Forner; Haugen; Horn; R. Johnson; Kremen; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives R. Fisher, Chair; Brough; Cooper; and Heavey.

Passed to Committee on Rules for second reading.

MOTION

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

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

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

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

The Clerk called the roll of former members of the House of Representatives.

ROLL CALL OF FORMER SPEAKERS OF THE HOUSE OF REPRESENTATIVES

NAME	DISTRICT
Charles W. Hodde	No. 2
Don Eldridge	No. 40
Wayne Ehlers	No. 2
Tom Copeland	No. 11

ROLL CALL OF FORMER MEMBERS OF THE HOUSE OF REPRESENTATIVES

NAME	DISTRICT
Charles Kilbury	No. 13
Ron Keller	No. 22
Jeanette Berleen	Nos. 31 and 34
Arnold Wang	No. 23
Ed Heavey	No. 31
Earl Tilly	No. 12
Dick Barnes	No. 33
Cathy Pearsall	No. 29
Chet Thomas	No. 13
Dick Morphis	No. 7
K. O. Rosenberg	No. 2
Bob Ford	No. 23
Forrest Baugher	No. 15

Dick Barrett	No. 5
Russell Austin	No. 33
Hugh Bud Kalich	No. 20
Duane Kaiser	No. 2
Joe Taller	No. 36
Don Brazier	No. 14
Gordon Walgren	No. 23
Barney McClure	No. 24
Hal Zimmerman	No. 17
Dale Nordquist	No. 20
Gene Lux	No. 11
Jim Salatino	No. 27
Art Brown	No. 1
Paul Stocker	No. 38
Frank Buster Brouillet	No. 25
Bob Williams	Nos. 18 and 19A
Charles Newschwander	No. 28
Chuck Riemcke	No. 14
Pat Wanamaker	No. 10
James Anderson	No. 48
Harry James	No. 23
John Papajoni	No. 44
Jonathan Whetzel	No. 43
Barbara Granlund	No. 26
Elmer Huntley	No. 9
Jack Englund	No. 32
Mike McCormack	No. 16

ROLL CALL OF FORMER OFFICERS OF THE HOUSE OF REPRESENTATIVES

NAME

Vito T. Chiechi
Don Wilson
Elmer Hyppa

SPEAKER'S PRIVILEGE

The Speaker: It gives me great pleasure on behalf of all the current members of the House of Representatives to welcome these former members. Let's give them a rousing round of applause. Welcome back.

Last year we had the former Speakers make a few brief remarks. This year we thought it might be fitting if other alumni make some remarks, starting with the member who served the longest ago, putting aside Speaker Charlie Hodde and Speaker John O'Brien.

Former Sergeant at Arms Elmer Hyppa, who served from 1957 to 1965, briefly addressed the members.

Former Representative K. O. Rosenberg, who served from 1949 to 1959 and 1963 to 1965, briefly addressed the members.

Former Representative Chuck Riemcke, who served from 1949 to 1952, briefly addressed the members.

Former Representative Bob Ford, who served from 1941 to 1945, briefly addressed the members.

Former Representative Chet Thomas, who served from 1949 to 1951, briefly addressed the members.

POINT OF PERSONAL PRIVILEGE

Mr. Prince: It is a real pleasure to take this opportunity to honor those who have been here before us. I am personally pleased to see old friends who broke me into this system a few years ago.

You mentioned the cigars a few minutes ago, and I want to mention a tradition that you'll probably have trouble believing. When a freshman passed a bill, he was required to buy cigars for the body. They passed out two boxes of cigars and everybody lit up. Can you imagine that, when in today's environment you can't smoke a cigar anywhere and cigarettes only in the stairwell. Things have definitely changed.

Another thing some members will remember: When you wanted to make a telephone, you had to go to the Chief Clerk of the House, explain to him who you wanted to call and why it was state business. If he believed you, he'd let you make the call. Things have definitely changed.

It is a pleasure to have all of you here today. We think it appropriate. We'll all be in your position here one of these days. We appreciate you taking time to come back and share your stories with us.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1267,
SUBSTITUTE HOUSE BILL NO. 1702.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Wednesday, April 3, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTIETH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 3, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Locke, R. Meyers and Mitchell, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Preston Sprenkle and Todd Nealey. Prayer was offered by The Reverend Robert Christensen, Minister of the Olympia/Lacey Church of God.

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

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

INTRODUCTION AND FIRST READING

HB 2193 by Representative Locke

AN ACT Relating to public assistance.

Referred to Committee on Appropriations.

MOTION

On motion of Mr. Dorn, the bill listed on today's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

April 1, 1991

SSB 5003 Prime Sponsor, Committee on Health & Long-Term Care: Providing penalties and remedies for a person operating an adult family home without a license. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Cantwell; Edmondson; Franklin; Paris; Prentice; and Sprengle.

Excused: Representatives Casada, Assistant Ranking Minority Member; Cantwell; and Morris.

Passed to Committee on Rules for second reading.

March 29, 1991

SB 5015 Prime Sponsor, Senator Metcalf: Providing for landowner liability protection for volunteer projects. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Morton; Riley; and Wynne.

Excused: Representatives Hargrove and Sheldon.

Passed to Committee on Rules for second reading.

March 27, 1991

SSB-5204 Prime Sponsor, Committee on Health & Long-Term Care: Changing licensure provisions for licensed practical nurses. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendment: On page 6, strike all of line 6, and insert "(7) At the time of submission, is not in"

Signed by Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; Franklin; Morris; Paris; Prentice; and Sprengle.

Excused: Representative Sprengle.

Passed to Committee on Rules for second reading.

April 2, 1991

SSB 5322 Prime Sponsor, Committee on Commerce & Labor: Permitting emergency exemptions from building codes. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Franklin, Vice Chair; Mitchell, Ranking Minority Member; Winsley, Assistant Ranking Minority Member; Ballard; Leonard; Ogden; and Wineberry.

Excused: Representative Nelson, Chair.

Passed to Committee on Rules for second reading.

April 2, 1991

SSB 5381 Prime Sponsor, Committee on Health & Long-Term Care: Allowing a veterinarian to dispense legend drugs prescribed by another veterinarian. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; Rasmussen; and Roland.

Passed to Committee on Rules for second reading.

April 2, 1991

SB 5389 Prime Sponsor, Senator Sutherland: Providing for filing a statement of claim for water rights. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 90.14 RCW to read as follows:

(1) A person may file with the department of ecology not later than August 31, 1991, a statement of claim as provided in RCW 90.14.051(1) through (8) if: The statement embodies a claim of a right to divert public waters with a priority date that is prior to June 6, 1917; and the statement is accompanied by a notarized affidavit or affidavits, relating to and supporting the rights claimed in the statement, which satisfy the requirements of this subsection.

Affidavits accompanying a statement filed under this section shall be signed by a person or persons who attest in the affidavits to: (a) Having witnessed personally a posting of a notice of intent to establish a water right at the point of diversion of such claimed right; and (b) having direct knowledge of the diversion of waters associated with that right, through conveyance systems, to the places of beneficial use without interruption each year for the fifty-year period immediately preceding the effective date of this section.

The department shall accept any statement of claim which satisfies the requirements of this section and file the same in the water rights claims registry established by RCW 90.14.111.

(2) The provisions of RCW 90.14.071, regarding waiving and relinquishing a water right or any title or interest in a right, do not apply to a claim filed pursuant to this section. However, reopening the period for filing a statement of claim for a water right as provided by this section shall not affect or impair in any respect whatsoever any water right existing prior to the effective date of this section whether such a previously existing right was established under territorial, state, or federal law or is embodied in rights derived under federal treaties or under federal doctrine regarding reserved rights for federal reservations of the public domain. Further, a water right embodied in a statement of claim filed under this section is, without regard to priority date, subordinate to any

water right embodied in a permit or certificate issued pursuant to chapter 90.03 or 90.44 RCW before the effective date of this section or embodied in a statement of claim filed in the water rights claims registry before the effective date of this section.

(3) Nothing in this section impacts or affects in any manner whatsoever the authority of the state, an Indian tribe, or any other governmental entity to allocate, regulate, or administer water rights on a federal reservation or changes the jurisdiction of any governmental entity.

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "and adding a new section to chapter 90.14 RCW."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; Rasmussen; and Roland.

Excused: Representative Grant.

Referred to Committee on Natural Resources & Parks.

March 29, 1991

SSB 5480 Prime Sponsor, Committee on Environment & Natural Resources: Pertaining to the applicability of the uniform fire code to underground storage tank laws. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 7, strike "(((3))) (4), and (((4)))" and insert "(3), ((and)) (4), and"

Signed by Representatives Rust, Chair; Horn, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; Bray; Brekke; G. Fisher; Neher; Phillips; Pruitt; D. Sommers; and Sprengle.

Excused: Representatives Valle, Vice Chair; Horn, Ranking Minority Member; Pruitt; and Van Luyen.

Passed to Committee on Rules for second reading.

April 2, 1991

ESSB 5624 Prime Sponsor, Committee on Environment & Natural Resources: Protecting food fish resources by the department of fisheries. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendments:
On page 2, line 4, after "water" strike "line." and insert "line;"
On page 2, line 12, strike "considerations." and insert "considerations;"
On page 2, line 16, after "shellfish" strike "habitats." and insert "habitats; and"

Signed by Representatives R. King, Chair; Morris, Vice Chair; Wilson, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Basich; Hochstatter; Orr; and Padden.

MINORITY recommendation: Do not pass. Signed by Representatives Cole; Haugen; and Spanel.

Passed to Committee on Rules for second reading.

April 1, 1991

2SSB 5667 Prime Sponsor, Committee on Ways & Means: Assuring access to local evaluation and treatment facilities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendment:

On page 8, beginning on line 3, after "facilities or", strike the remainder of the subsection and insert "for regional support networks to contract with local hospitals to assure access for regional support network patients."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Cantwell; Edmondson; Franklin; Paris; Prentice; and Sprenkle.

Excused: Representatives Casada; Cantwell; and Morris.

Referred to Committee on Appropriations.

March 29, 1991

SJM 8000 Prime Sponsor, Senator Conner: Requesting that Congress extend the coastal states seaward boundaries. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Morton; Riley; and Wynne.

Excused: Representatives Hargrove and Sheldon.

Passed to Committee on Rules for second reading.

MOTION

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

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

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

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 3:30 p.m., Friday, April 5, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-SECOND DAY-----
AFTERNOON SESSION

House Chamber, Olympia, Friday, April 5, 1991

The House was called to order at 3:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Belcher, Bowman, Braddock and Riley, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Geoff Schmidt and Gavin Schmidt. Prayer was offered by The Reverend Robert Christensen, Minister of the Olympia/Lacey Church of God.

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

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

INTRODUCTIONS AND FIRST READING

HB 2194 by Representatives Holland, Phillips and Ferguson

AN ACT Relating to local effort assistance funds; and amending RCW 28A.500.010.

Referred to Committee on Appropriations.

HB 2195 by Representative Brekke

AN ACT Relating to fiscal reform; amending RCW 41.40.380, 82.03.130, and 82.03.140; adding a new Title 82A to the Revised Code of Washington; creating a new section; prescribing penalties; providing for submission of this act to a vote of the people; and providing a contingent effective date.

Referred to Committee on Revenue.

HB 2196 by Representative Brekke

AN ACT Relating to the estate and transfer tax act; amending RCW 83.100.010, 83.100.020, 83.100.030, 83.100.040, and 83.100.045; and adding a new section to chapter 83.100 RCW.

Referred to Committee on Revenue.

HB 2197 by Representative Brekke

AN ACT Relating to the taxation of the privilege of receiving income from intangible personal property; amending RCW 82.32.070; adding a new chapter to Title 82 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue.

HJR 4230 by Representative Brekke

Amending the Constitution to allow an income tax.

Referred to Committee on Revenue.

HCR 4412 by Representatives Dellwo, Rayburn and Pruitt

Making changes in Senate Select Committee on Washington 2000 A.D.

Referred to Committee on State Government.

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

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

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

REPORTS OF STANDING COMMITTEES

April 3, 1991

HB 1231 Prime Sponsor, Representative R. Fisher: Relating to the transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute House Bill No. 1231 be substituted therefor, and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; R. Meyers, Vice Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Cantwell; Cooper; Day; G. Fisher; Forner; Haugen; Heavey; Horn; P. Johnson; R. Johnson; Jones; Kremen; Nelson; Orr; Prince; Schmidt; Wilson; Wood; and Zellinsky.

MINORITY recommendation: Without recommendation. Signed by Representative Mitchell.

Passed to Committee on Rules for second reading.

April 4, 1991

HB 1330 Prime Sponsor, Representative Locke: Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1993. Reported by Committee on Appropriations

MAJORITY recommendation: That Substitute House Bill No. 1330 be substituted therefor, and the substitute bill do pass. Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Appelwick; Belcher; Braddock; Brekke; Dorn; Hine; Peery; Pruitt; Rust; H. Sommers; Sprengle; Valle; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Bowman; Ferguson; Fuhrman; Holland; Lisk; May; McLean; Mielke; Nealey; and Vance.

Excused: Representatives Ebersole and Wineberry.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 2188 Prime Sponsor, Representative Appelwick: Changing provisions relating to domestic relations. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute House Bill No. 2188 be substituted therefor, and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Paris, Assistant Ranking Minority Member; Forner; Hargrove; Inslee; R. Meyers; H. Myers; Scott; and Vance.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Minority Member; Belcher; Broback; Mielke; D. Sommers; Tate; and Wineberry.

Voting nay: Representatives Padden, Ranking Minority Member; Belcher; Broback; Mielke; Riley; D. Sommers; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

April 4, 1991

HB 2190 Prime Sponsor, Representative Peery: Extending by three years the date when new teachers must obtain masters' degrees. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Vance,

Assistant Ranking Minority Member; Betrozoff; Broback; Brumsickle; Cole; Dorn; Holland; P. Johnson; Jones; Neher; Orr; Phillips; Rasmussen; Roland; and H. Sommers.

Excused: Representative Valle.

Passed to Committee on Rules for second reading.

April 2, 1991

SB 5004 Prime Sponsor, Senator L. Kreidler: Permitting certified public records from other states to be admissible evidence. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Broback; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Belcher; Forner; Inslee; Locke; R. Meyers; and Wineberry.

Passed to Committee on Rules for second reading.

April 3, 1991

SSB 5010 Prime Sponsor, Committee on Ways & Means: Including occupational therapy coverage in the department of social and health services limited casualty program. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; Franklin; Morris; Paris; Prentice; and Sprenkle.

Referred to Committee on Appropriations.

April 5, 1991

SB 5018 Prime Sponsor, Senator L. Smith: Authorizing an additional tax levy for emergency medical service districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Excused: Representatives Horn and Nealey.

Passed to Committee on Rules for second reading.

April 3, 1991

2SSB 5022 Prime Sponsor, Committee on Ways & Means: Changing the Washington award for excellence in education program. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:
On page 4, line 11, after "6" strike "(1)"
On page 4, line 14, after "full-time" strike "equivalent"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Betrozoff; Broback; Cole; Dorn; Holland; P. Johnson; Jones; Neher; Orr; Phillips; Rasmussen; Roland; and Valle.

Excused: Representatives Brumsickle and H. Sommers.

Referred to Committee on Appropriations.

April 2, 1991

SB 5023 Prime Sponsor, Senator Talmadge: Providing expenses for defending against frivolous court actions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Hargrove; Inslee; Locke; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Ludwig, Vice Chair; Forner; and Wineberry.

Passed to Committee on Rules for second reading.

April 3, 1991

E2SSB 5025 Prime Sponsor, Committee on Ways & Means: Providing services for at-risk youth and their families. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:
NEW SECTION. Sec. 1. Evaluation of programs is essential in determining their effectiveness and cost benefit and in obtaining data for improving services. The department of social and health services shall conduct an evaluation of the family reconciliation services program. The study shall include the following information:

(1) A description of services offered in phase I and phase II;

(2) The number and characteristics of youth and families served in family reconciliation services phase I and phase II and the outcome of services provided to youth and families;

(3) A description of outreach services including program information provided to referring agencies and the general public;

(4) The number and type of referrals to family reconciliation services from law enforcement, juvenile courts, schools, and community agencies and their perception of its effectiveness;

(5) Follow-up contact with a random sample of youth and families receiving family reconciliation services assistance and their perception of the effectiveness of these services;

(6) The number of youth referred again after services were terminated and outcome of services provided;

(7) The number of youth and families who requested specific services but who did not receive services because they were not available, including a list of the services requested but not available; and

(8) Recommendations for improving services to at-risk youth and families.

NEW SECTION. Sec. 2. The demand for family reconciliation services continues to increase. The number of families served by the family reconciliation services program has nearly doubled in the past ten years while the number of staff providing these services has decreased. The department of social and health services shall expand family reconciliation services to serve an additional one thousand families per year.

NEW SECTION. Sec. 3. The behavioral sciences institute homebuilders intensive in-home counseling program has been highly successful in serving at-risk youth and families. This program shall expand to serve an additional one hundred twenty-six youth and families while preserving program integrity and quality.

NEW SECTION. Sec. 4. There is a lack of knowledge of existing laws and services on the part of those agencies and organizations serving at-risk youth and on the part of the general public. The office of the administrator for the courts is requested to develop a curriculum on at-risk youth for superior court judges and court personnel to be presented at a regularly scheduled educational session. The department of social and health services is directed to produce a videotape on at-risk youth laws and services for use by law enforcement, family reconciliation services staff, prosecuting and defense attorneys, other agencies and organizations dealing with at-risk youth, and the general public. The department shall consult with other agencies and organizations providing services to at-risk youth in the production of the videotape.

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

The department of social and health services shall implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

Sec. 6. RCW 74.13.034 and 1981 c 298 s 17 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032(2) may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center or the nearest regional crisis residential center. Placement in both centers shall not exceed seventy-two hours from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including

Saturdays, Sundays, and holidays, if ~~((the person in charge of the crisis residential center finds that the child is seriously assaultive or seriously destructive towards others and the center is unable to provide appropriate supervision and structure. Any child who takes unauthorized leave from the center, if))~~ the child has taken unauthorized leave from the center in violation of a court order and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave~~((, may be taken to a secure juvenile detention facility subject to the provisions of this section: PROVIDED, That))~~. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed seventy-two hours from the point of intake as provided in RCW 13.32A.130.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

(5) It is the intent of the legislature that by July 1, 1982, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure.

NEW SECTION. Sec. 7. A new section is added to chapter 43.20A RCW to read as follows:

The department shall ensure that the administration of chapter 13.32A RCW and applicable portions of chapter 74.13 RCW relating to runaway youth, at-risk youth, and families in conflict is consistent in all areas of the state and in accordance with statutory requirements.

Sec. 8. RCW 74.13.032 and 1979 c 155 s 78 are each amended to read as follows:

(1) The department shall establish, by contracts with private vendors, not less than eight regional crisis residential centers, which shall be structured group care facilities licensed under rules adopted by the department. ~~((Each regional center shall have an average of at least four adult staff members and in no event less than three adult staff members to every eight children.))~~ The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in RCW 13.32A.090.

(2) The department shall, in addition to the regional facilities established under subsection (1) of this section, establish not less than thirty additional crisis residential centers pursuant to contract with licensed private group care or specialized foster home facilities. The staff at the facilities shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities stated in RCW 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.

Crisis residential facilities shall be operated as semi-secure facilities.

Sec. 9. RCW 74.13.035 and 1979 c 155 s 81 are each amended to read as follows:

Crisis residential centers shall compile yearly records which shall be transmitted to the department and which shall contain information regarding population profiles of the children admitted to the centers during each past calendar year. Such information shall include but shall not be limited to the following:

- (1) The number, age, and sex of children admitted to custody;
- (2) Who brought the children to the center;
- (3) Services provided to children admitted to the center;
- (4) The circumstances which necessitated the children being brought to the center;
- (5) The ultimate disposition of cases;
- (6) The number of children admitted to custody who ran away from the center and their ultimate disposition, if any;
- (7) Length of stay.

The department may require the provision of additional information and may require each center to provide all such necessary information in a uniform manner.

~~((A center may, in addition to being licensed as such, also be licensed as a family foster home or group care facility and may house on the premises juveniles assigned for foster or group care.))~~

NEW SECTION. Sec. 10. The legislature finds that the use of alcohol and illicit drugs continues to be a primarycrippler of our youth. This translates into incredible costs to individuals, families, and society in terms of traffic fatalities, suicides, criminal activity including homicides, sexual promiscuity, familial incorrigibility, and conduct disorders, and educational fallout. Among children of all socioeconomic groups lower expectations for the future, low motivation and self-esteem, alienation, and depression are associated with alcohol and drug abuse.

Studies reveal that deaths from alcohol and other drug-related injuries rise sharply through adolescence, peaking in the early twenties. But second peak occurs in later life, where it accounts for three times as many deaths from chronic diseases. A young victim's life expectancy is likely to be reduced by an average of twenty-six years.

Yet the cost of treating alcohol and drug addicts can be recouped in the first three years of abstinence in health care savings alone. Public money spent on treatment saves not only the life of the chemical abuser, it makes us safer as individuals, and in the long-run costs less.

The legislature further finds that many children who abuse alcohol and other drugs may not require involuntary treatment, but still are not adequately served. These children remain at risk for future chemical dependency, and may become mentally ill or a juvenile offender or need out-of-home placement. Children placed at risk because of chemical abuse may be better served by the creation of a comprehensive integrated system for children in crisis.

The legislature declares that an emphasis on the treatment of youth will pay the largest dividend in terms of preventable costs to individuals themselves, their families, and to society. The provision of augmented involuntary alcohol treatment services to youths, as well as involuntary treatment for youths addicted by other drugs, is in the interest of the public health and safety.

Sec. 11. RCW 70.96A.020 and 1990 c 151 s 2 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- (1) "Alcoholic" means a person who suffers from the disease of alcoholism.
- (2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(4) "Chemical dependency" means alcoholism or drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(5) "Chemical dependency program" means expenditures and activities of the department designed and conducted to prevent or treat alcoholism and other drug addiction, including reasonable administration and overhead.

(6) "Department" means the department of social and health services.

(7) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.

(8) "Director" means the person administering the chemical dependency program within the department.

(9) "Drug addict" means a person who suffers from the disease of drug addiction.

(10) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(11) "Emergency service patrol" means a patrol established under RCW 70.96A.170.

(12) "Gravely disabled by alcohol or other drugs" means that a person, as a result of the use of alcohol or other drugs: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety.

(13) "Incapacitated by alcohol or other psychoactive chemicals" means that a person, as a result of the use of alcohol or other psychoactive chemicals, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment and constitutes a danger to himself or herself, to any other person, or to property.

(14) "Incompetent person" means a person who has been adjudged incompetent by the superior court.

(15) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(16) "Licensed physician" means a person licensed to practice medicine or osteopathy in the state of Washington.

(17) "Minor" means a person less than eighteen years of age.

(18) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

~~((18))~~ (19) "Person" means an individual, including a minor.

(20) "Secretary" means the secretary of the department of social and health services.

~~((19))~~ (21) "Treatment" means the broad range of emergency, detoxification, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

((20)) (22) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of alcoholics or other drug addicts.

Sec. 12. RCW 70.96A.095 and 1989 c 270 s 24 are each amended to read as follows:

Any person fourteen years of age or older may give consent for himself or herself to the furnishing of counseling, care, treatment, or rehabilitation by a treatment program or by any person. Consent of the parent, parents, or legal guardian of a person less than eighteen years of age is not necessary to authorize the care, except that the person shall not become a resident of the treatment program without such permission except as provided in RCW 70.96A.120 or 70.96A.140. The parent, parents, or legal guardian of a person less than eighteen years of age are not liable for payment of care for such persons pursuant to this chapter, unless they have joined in the consent to the counseling, care, treatment, or rehabilitation.

Sec. 13. RCW 70.96A.140 and 1990 c 151 s 3 are each amended to read as follows:

(1) When a designated chemical dependency specialist((?)) receives information alleging that a person is incapacitated as a result of alcoholism, or in the case of a minor incapacitated by alcoholism and/or other drug addiction, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court. If the designated chemical dependency specialist((?)) finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020. If placement in an alcohol treatment program is available and deemed appropriate, the petition shall allege that: The person is an alcoholic who is incapacitated by alcohol, or in the case of a minor incapacitated by alcoholism and/or other drug addiction, or that the person has twice before in the preceding twelve months been admitted for detoxification or treatment for alcoholism pursuant to RCW 70.96A.110, or in the case of a minor, detoxification or treatment for alcohol or drug addiction, and is in need of a more sustained treatment program, or that the person is an alcoholic, or in the case of a minor, an alcoholic or other drug addict, who has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120 ((or)), 71.05.210, or 71.34.050, as now or hereafter amended, in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the

designated chemical dependency specialist on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is an alcoholic, or in the case of a minor incapacitated by alcoholism and/or other drug addiction, must be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment program. It shall not order commitment of a person unless it determines that an approved treatment program is available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed under this section shall remain in the program for treatment for a period of sixty days unless sooner discharged. At the end of the sixty-day period, he or she shall be discharged automatically unless the program, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he or she is an alcoholic, or, in the case of a minor, an alcoholic or other drug addict, likely to inflict physical harm on another, the program shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other

person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

(7) The approved treatment program shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to the custody of a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, or, in the case of a minor, an alcoholic or other drug addict, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity or, in the case of a minor, incapacitated by alcoholism and/or other drug addiction, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with

the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

Sec. 14. RCW 71.05.210 and 1989 c 120 s 6 are each amended to read as follows:

Each person involuntarily admitted to an evaluation and treatment facility shall, within twenty-four hours of his or her admission, be examined and evaluated by a licensed physician who may be assisted by a physician~~((s))~~ assistant according to chapter 18.71A RCW or a nurse practitioner according to chapter 18.88 RCW and a mental health professional as defined in this chapter, and shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a court proceeding, the individual may refuse all but emergency life-saving treatment, and the individual shall be informed at an appropriate time of his or her right to such refusal of treatment. Such person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm to himself or herself or others, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the licensed physician and mental health professional determine that the initial needs of the person would be better served by placement in ~~((an alcohol))~~ a chemical dependency treatment facility, then the person shall be referred to an approved treatment ~~((facility))~~ program defined under RCW 70.96A.020.

An evaluation and treatment center admitting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated county mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 15. RCW 71.34.060 and 1985 c 354 s 6 are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist as to the child's mental condition and by a physician as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist and the physician determine that the initial needs of the minor would be better served by placement in a chemical dependency treatment facility, then the minor shall be referred to an approved treatment program defined under RCW 70.96A.020.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

~~((3))~~ (4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to

the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

~~((4))~~ (5) If the evaluation and treatment facility admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

~~((5))~~ (6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

NEW SECTION. Sec. 16. The purpose of sections 10 through 15 of this act is solely to provide authority for the involuntary commitment of minors addicted by drugs within available funds and current programs and facilities. Nothing in sections 10 through 15 of this act shall be construed to require the addition of new facilities nor affect the department's authority for the uses of existing programs and facilities authorized by law. Nothing in sections 10 through 15 of this act shall prevent a parent or guardian from requesting the involuntary commitment of a minor through a county designated chemical dependency specialist on an ability to pay basis.

Sec. 17. RCW 13.32A.196 and 1990 c 276 s 14 are each amended to read as follows:

(1) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

(2) The court may set conditions of supervision for the child that include:

(a) Regular school attendance;

(b) Counseling;

(c) Participation in a substance abuse treatment program;

(d) Reporting on a regular basis to the department or any other designated person or agency; and

(e) Any other condition the court deems an appropriate condition of supervision.

(3) No dispositional order or condition of supervision ordered by a court pursuant to this section shall include involuntary commitment of a child for substance abuse or mental health treatment.

(4) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled. The parent may request dismissal of an at-risk youth proceeding at any time and upon such a request, the court shall dismiss the matter and cease court supervision of the child unless a contempt action is pending in the case. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

~~((4))~~ (5) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

NEW SECTION. Sec. 18. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict

and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 19. If specific funding for section 1 of this act, referencing section 1 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 1 this act shall be null and void.

NEW SECTION. Sec. 20. If specific funding for section 2 of this act, referencing section 2 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 2 this act shall be null and void.

NEW SECTION. Sec. 21. If specific funding for section 3 of this act, referencing section 3 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 3 of this act shall be null and void.

NEW SECTION. Sec. 22. If specific funding for section 4 of this act, referencing section 4 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 4 of this act shall be null and void.

NEW SECTION. Sec. 23. If specific funding for section 5 of this act, referencing section 5 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 5 of this act shall be null and void.

NEW SECTION. Sec. 24. The expansion of services referenced in sections 2, 3, and 4 of this act shall apply exclusively to the fiscal period commencing on July 1, 1991, and ending on June 30, 1993.

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.13.034, 74.13.032, 74.13.035, 70.96A.020, 70.96A.095, 70.96A.140, 71.05.210, 71.34.060, and 13.32A.196; adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.20A RCW; and creating new sections."

Signed by Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; and H. Myers.

Excused: Representative R. King.

Referred to Committee on Appropriations.

April 5, 1991

SSB 5027 Prime Sponsor, Committee on Law & Justice: Raising the jurisdictional limit for small claims departments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Hargrove; Inslee; and Locke.

Passed to Committee on Rules for second reading.

April 4, 1991

SB 5037 Prime Sponsor, Senator Anderson: Coordinating activities relating to registration of plant protection products for minor crop uses. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment:

On page 5, beginning on line 3, strike "forty-nine thousand five hundred" and insert "one hundred twenty-two thousand"

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; McLean; Rasmussen; and Roland.

Excused: Representatives Rayburn, Chair; and Lisk.

Referred to Committee on Appropriations.

April 2, 1991

SB 5042 Prime Sponsor, Senator Cantu: Extending the commission for efficiency and accountability an additional four years. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

Passed to Committee on Rules for second reading.

April 3, 1991

SB 5043 Prime Sponsor, Senator Nelson: Authorizing facsimile filing of election documents. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

On page 2, after line 5, strike the remainder of the bill and insert the following:

"(9) Any other election related document authorized by rule adopted by the secretary of state under section 2 of this act.

The acceptance by the secretary of state or the county auditor is conditional upon the document being filed in a timely manner, being legible, and otherwise satisfying the requirements of state law or rules with respect to form and content.

If the original copy of a document must be signed and a copy of the document is filed by facsimile transmission under this section, the original copy shall be subsequently filed with the official with whom the facsimile was filed. The original copy shall be filed by a deadline established by the secretary by rule. The secretary may by rule require that the original of any document, a copy of which is filed by facsimile transmission under this section, also be filed by a deadline established by the secretary by rule."

NEW SECTION. Sec. 2. A new section is added to chapter 29.04 RCW to read as follows:

The secretary of state shall adopt rules in accordance with chapter 34.05 RCW to implement section 1 of this act.

Signed by Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Moyer; O'Brien; and Sheldon.

Excused: Representative Grant.

Passed to Committee on Rules for second reading.

April 2, 1991

SB 5050 Prime Sponsor, Senator McCaslin: Providing protection to the lieutenant governor. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

Passed to Committee on Rules for second reading.

April 2, 1991

SSB 5052 Prime Sponsor, Committee on Law & Justice: Concerning collection of public debts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Hargrove; Inslee; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Ludwig, Vice Chair; Forner; Locke; and Wineberry.

Passed to Committee on Rules for second reading.

April 2, 1991

SB 5053 Prime Sponsor, Senator Nelson: Allowing local ordinance notice for revoking juvenile driving privileges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; Tate; Vance; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative D. Sommers.

Voting nay: Representatives Hargrove; R. Meyers; Riley; Scott; and D. Sommers.

Excused: Representatives Ludwig, Vice Chair; Forner; Locke; and Wineberry.

Passed to Committee on Rules for second reading.

April 5, 1991

SSB 5070 Prime Sponsor, Committee on Commerce & Labor: Redefining terms for industrial insurance compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Lisk, Assistant Ranking Minority Member; Franklin; R. King; O'Brien; Prentice; and Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Cole, Vice Chair; Fuhrman, Ranking Minority Member; and Jones.

Excused: Representatives Vance and Wilson.

Passed to Committee on Rules for second reading.

April 2, 1991

SB 5075 Prime Sponsor, Senator Nelson: Creating a committee to study the Washington condominium act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 12, after "officials;" strike all material through "(j)" on line 13, and insert:

"(j) One member appointed by the institute for real estate management who has lived in a condominium for at least the last five years prior to the appointment and who has served on a condominium association board; and

(k)"

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Ludwig, Vice Chair; Forner; Locke, R. Meyers; and Wineberry.

Passed to Committee on Rules for second reading.

April 2, 1991

SB 5077 Prime Sponsor, Senator Nelson: Perfecting certain security interests upon recording. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Ludwig, Vice Chair; Forner; Locke; and Wineberry.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5082 Prime Sponsor, Committee on Environment & Natural Resources: Requiring licenses for professional salmon fishing guides. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 22, insert:

NEW SECTION. Sec. 3. The house fisheries and wildlife committee and the senate committee on environment and natural resources shall evaluate whether the fishing guide license requirements under this act are sufficient, and shall present their recommendations to the legislature by December 31, 1991.

On page 1, line 2 of the title, after "75.28.010;" insert "creating new sections;"

Signed by Representatives R. King, Chair; Morris, Vice Chair; Wilson, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Basich; Haugen; Hochstatter; Orr; and Padden.

MINORITY recommendation: Do not pass. Signed by Representatives Cole and Spanel.

Passed to Committee on Rules for second reading.

April 5, 1991

2SSB 5083 Prime Sponsor, Committee on Ways & Means: Reconstructing salmon hatcheries. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11, strike "hatcheries" and insert "hatchery"

On page 1, after line 11, strike the remainder of the act and insert:

NEW SECTION. Sec. 2. The department of fisheries shall request full funding from the federal government for the reconstruction and operation of the Green River salmon hatchery, located on the Green River tributary to the Toutle River. The department shall work with the Washington congressional delegation to achieve full funding for the Green River hatchery. To the extent that federal funds are available, the

department shall reconstruct and operate that hatchery. The hatchery system on the Toutle River shall be operated in such a manner as to ensure that adult salmon are allowed to migrate upstream of the hatchery for natural spawning purposes.

NEW SECTION. Sec. 3. If full funding of the Green River hatchery is not made available to the department by the federal government, the department shall submit a report to the senate committee on environment and natural resources and to the house of representatives committee on fisheries and wildlife. The report shall be submitted by December 1, 1991, and shall describe the priorities used by the department to allocate salmon hatchery funding.

On page 1, line 1 of the title, after "hatcheries;" strike all material through line 2 and insert "and creating new sections."

Signed by Representatives R. King, Chair; Morris, Vice Chair; Wilson, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Basich; Cole; Haugen; Hochstatter; Orr; Padden; and Spanel.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5086 Prime Sponsor, Committee on Health & Long-Term Care: Providing for HIV testing without consent for certain persons. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.24.105 and 1989 c 123 s 1 are each amended to read as follows:

(1) No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, except as authorized by this chapter.

(2) No person may disclose or be compelled to disclose the identity of any person upon whom an HIV antibody test is performed, or the results of such a test, nor may the result of a test for any other sexually transmitted disease when it is positive be disclosed. This protection against disclosure of test subject, diagnosis, or treatment also applies to any information relating to diagnosis of or treatment for HIV infection and for any other confirmed sexually transmitted disease. The following persons, however, may receive such information:

(a) The subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent;

(b) Any person who secures a specific release of test results or information relating to HIV or confirmed diagnosis of or treatment for any other sexually transmitted disease executed by the subject or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent;

(c) The state public health officer, a local public health officer, or the centers for disease control of the United States public health service in accordance with reporting requirements for a diagnosed case of a sexually transmitted disease;

(d) A health facility or health care provider that procures, processes, distributes, or uses: (i) A human body part, tissue, or blood from a deceased person with respect to

medical information regarding that person; (ii) semen, including that provided prior to March 23, 1988, for the purpose of artificial insemination; or (iii) blood specimens;

(e) Any state or local public health officer conducting an investigation pursuant to RCW 70.24.024, provided that such record was obtained by means of court ordered HIV testing pursuant to RCW 70.24.340 or 70.24.024;

(f) A person allowed access to the record by a court order granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of the order, the court, in determining the extent to which any disclosure of all or any part of the record of any such test is necessary, shall impose appropriate safeguards against unauthorized disclosure. An order authorizing disclosure shall: (i) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted; (ii) limit disclosure to those persons whose need for information is the basis for the order; and (iii) include any other appropriate measures to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services, including but not limited to the written statement set forth in subsection (5) of this section;

(g) Persons who, because of their behavioral interaction with the infected individual, have been placed at risk for acquisition of a sexually transmitted disease, as provided in RCW 70.24.022, if the health officer or authorized representative believes that the exposed person was unaware that a risk of disease exposure existed and that the disclosure of the identity of the infected person is necessary;

(h) A law enforcement officer, fire fighter, health care provider, health care facility staff person, or other ~~(persons as defined by the board in rule pursuant to RCW 70.24.340(4),)~~ person who has requested a test ~~((of a person whose bodily fluids he or she has been substantially exposed to,))~~ pursuant to RCW 70.24.340(4) ~~((if a state or local public health officer performs the test));~~

(i) Claims management personnel employed by or associated with an insurer, health care service contractor, health maintenance organization, self-funded health plan, state-administered health care claims payer, or any other payer of health care claims where such disclosure is to be used solely for the prompt and accurate evaluation and payment of medical or related claims. Information released under this subsection shall be confidential and shall not be released or available to persons who are not involved in handling or determining medical claims payment; ~~((and))~~

(j) A department of social and health services worker, a child placing agency worker, or a guardian ad litem who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding a child, who is less than fourteen years of age, has a sexually transmitted disease, and is in the custody of the department of social and health services or a licensed child placing agency; this information may also be received by a person responsible for providing residential care for such a child when the department of social and health services or a licensed child placing agency determines that it is necessary for the provision of child care services;

(k) A person named as a victim of a charged criminal offense where the prosecuting attorney has requested a test of the accused pursuant to RCW 70.24.340(3); and

(l) A person named as a victim of a criminal offense where the offender is tested for HIV under RCW 70.24.340(2).

(3) No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person except as authorized by that subsection.

(4) The release of sexually transmitted disease information regarding an offender, except as provided in subsection (2)(e) of this section, shall be governed as follows:

(a) The sexually transmitted disease status of a department of corrections offender shall be made available by department of corrections health care providers to a department of corrections superintendent or administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities, including facilities that are not under the department of correction's jurisdiction.

(b) The sexually transmitted disease status of a person detained in a jail shall be made available by the local public health officer to a jail administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities.

(c) Information regarding a department of corrections offender's sexually transmitted disease status is confidential and may be disclosed by a correctional superintendent or administrator or local jail administrator only as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. Unauthorized disclosure of this information to any person may result in disciplinary action, in addition to any other penalties as may be prescribed by law.

(5) Whenever disclosure is made pursuant to this section, except for subsections (2)(a) and (6) of this section, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied or followed by such a notice within ten days.

(6) The requirements of this section shall not apply to the customary methods utilized for the exchange of medical information among health care providers in order to provide health care services to the patient, nor shall they apply within health care facilities where there is a need for access to confidential medical information to fulfill professional duties.

(7) If the victim of a charged or convicted criminal offense is a minor, the victim's parents or legal guardian shall have all of the rights and remedies of a victim under this section.

Sec. 2. RCW 70.24.320 and 1988 c 206 s 701 are each amended to read as follows:

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

(1) "Pretest counseling" means counseling aimed at helping the individual understand ways to reduce the risk of HIV infection, the nature and purpose of the tests, the significance of the results, and the potential dangers of the disease, and to assess the individual's ability to cope with the results.

(2) "Posttest counseling" means further counseling following testing usually directed toward increasing the individual's understanding of the human immunodeficiency virus infection, changing the individual's behavior, and, if necessary, encouraging the individual to notify persons with whom there has been contact capable of spreading HIV.

(3) "AIDS counseling" means counseling directed toward increasing the individual's understanding of acquired immunodeficiency syndrome and changing the individual's behavior.

(4) "HIV testing" means a test indicative of infection with the human immunodeficiency virus (~~as specified by the board of health by~~), and subsequent tests at such intervals sufficient to detect HIV infection, as determined by the board in rule.

Sec. 3. RCW 70.24.340 and 1988 c 206 s 703 are each amended to read as follows:

(1) ~~(Local health departments authorized under this chapter shall conduct or cause to be conducted pretest counseling, HIV testing, and posttest counseling of all persons:~~

~~(a) Convicted of a sexual offense under chapter 9A.44 RCW;~~

~~(b) Convicted of prostitution or offenses relating to prostitution under chapter 9A.88 RCW; or~~

~~(c) Convicted of drug offenses under chapter 69.50 RCW if the court determines at the time of conviction that the related drug offense is one associated with the use of hypodermic needles.~~

~~(2) Such testing)) The purposes of the testing and disclosure provided in this section are: (a) To benefit the victim of a crime or assault which involved the substantial exposure to another's bodily fluids, creating a risk of transmission of HIV, by informing the victim whether the defendant or assailant is infected with the AIDS virus; (b) to protect the health of both victims of crime and assault and of those accused or convicted of committing a crime, or assailants; and (c) to protect the health of the public.~~

~~The legislature respects the need for confidentiality; requirements of confidentiality must be maintained as prescribed in RCW 70.24.105.~~

~~(2)(a) All persons who are convicted of the following offenses or equivalent juvenile offenses where the offense involved substantial exposure of bodily fluids presenting a possible risk of HIV infection, shall submit to pretest counseling, HIV testing, and posttest counseling to be performed by a local public health officer.~~

~~(i) Sexual offenses under chapter 9A.44 RCW or under local ordinance;~~

~~(ii) Prostitution or offenses relating to prostitution under chapter 9A.88 RCW or under local ordinance;~~

~~(iii) Drug offenses under chapter 69.50 RCW or under local ordinance, if a court determines at the time of conviction that the related drug offense is one associated with the use of hypodermic needles.~~

~~(b) Pretest counseling, HIV testing, and posttest counseling shall be conducted as soon as possible after sentencing and shall be so ordered by the sentencing judge.~~

~~((3)) (c) This section applies only to offenses committed after March 23, 1988.~~

~~(3)(a) The prosecuting attorney may request, at any time, that the defendant submit to pretest counseling, HIV testing, and posttest counseling.~~

~~(b) The prosecuting attorney in the jurisdiction where the criminal charge was filed shall advise the victim, in writing, of the right to receive counseling and testing. The prosecutor shall refer the victim to the local health officer, who shall make available counseling to help that person understand the extent to which the particular circumstances of the crime may or may not have put the victim at the risk of transmission of HIV, to ensure that the victim understands both the benefits and limitations of the current tests, and to help the victim decide whether he or she wants to be tested.~~

~~(c) Upon request of the victim, the public health officer shall perform counseling and testing for the victim.~~

~~(d) Upon the request of the victim, the prosecuting attorney shall petition the court, as soon as possible after charging, for an order mandating that the defendant submit to counseling and testing, unless the defendant consents to such counseling and testing.~~

~~(e) The court in which the criminal charge is filed shall order the defendant to submit to tests to be performed by the local public health officer if the court finds, by a preponderance of the evidence, that during the course of the alleged criminal offense, the victim was substantially exposed to the defendant's bodily fluids, presenting a possible risk of HIV infection. The board in rule shall define "substantial exposure" and "exposure presenting possible risk."~~

~~(f) The court shall base its finding upon affidavits submitted by the victim, the defendant, the public health officer, or the prosecuting attorney. Any affidavit of the public health officer should set forth the circumstances under which a victim may be substantially exposed to the bodily fluids of another, presenting a possible risk of~~

transmission. The prosecuting attorney may present the request for an order and supporting affidavits to the court and obtain the order without the presence of the victim or the public health officer.

(g) Once the order is granted, the prosecuting attorney shall notify the public health officer of the order and of the location of the defendant. The order shall require the accused to report to the local public health department for testing if the person is not in custody or if the accused is released from custody prior to testing. The public health officer shall complete the counseling and testing process as soon as possible, and at such subsequent intervals as are sufficient to detect infection, as determined by the board in rule under section 4 of this act. The public health officer shall notify the prosecuting attorney of the fact that the initial testing process has been completed. Subsequent testing shall not be performed if the defendant is acquitted or charges are dismissed.

(h) The public health officer shall have the responsibility for disclosing test results to, and counseling, the victim who requested the test and to the accused who was tested, as soon as possible after the results become available.

(i) The results of any blood tested pursuant to (e) of this subsection shall not be used in any criminal proceeding as evidence of either guilt or innocence.

(4) A law enforcement officer, fire fighter, health care provider, health care facility staff person, or other categories of employment determined by the board in rule to be at risk of substantial exposure to HIV, who has experienced a substantial exposure to another person's bodily fluids in the course of his or her employment, or a good samaritan who is immune from liability under RCW 4.24.300 who has experienced a substantial exposure to another person's bodily fluids, may request a state or local public health officer to order pretest counseling, HIV testing, and posttest counseling for the person whose bodily fluids he or she has been exposed to. The person who is subject to the order shall be given written notice of the order promptly, personally, and confidentially, stating the grounds and provisions of the order, including the factual basis therefor. If the person who is subject to the order refuses to comply, the state or local public health officer may petition the superior court for a hearing. The standard of review for the order is whether substantial exposure occurred and whether that exposure presents a possible risk of transmission of the HIV virus as defined by the board by rule. Upon conclusion of the hearing, the court shall issue the appropriate order. The state or local public health officer shall perform counseling and testing under this subsection if he or she (~~finds that the exposure was substantial and presents a possible risk as defined by the board of health by rule~~) receives the consent of the person to be tested, or if ordered by the court to do so.

(5) If the victim of a charged criminal offense is a minor, the victim's parent or legal guardian shall have all of the rights and remedies of a victim under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 70.24 RCW to read as follows:

The department shall, on a biennial basis, report to the appropriate committees of the legislature information related to the implementation of chapter ..., Laws of 1991 (this act), including: (1) Number of times testing and counseling is requested; (2) number of times testing and counseling is ordered; (3) age, sex, race, dates of tests and counseling, results of testings; date of charge; and date of conviction, if applicable; and evaluative information deemed appropriate by the department.

NEW SECTION. Sec. 5. A new section is added to chapter 70.24 RCW to read as follows:

The board shall by October 1, 1991, adopt rules that specify a schedule for testing at sufficient intervals to detect HIV infection under RCW 70.24.320(4).

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 2 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 70.24.105, 70.24.320, and 70.24.340; adding new sections to chapter 70.24 RCW; and declaring an emergency."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; Franklin; Morris; Paris; and Sprenkle.

Excused: Representative Prentice.

Passed to Committee on Rules for second reading.

April 2, 1991

E2SSB 5096 Prime Sponsor, Committee on Ways & Means: Requiring state laws and rules to be assessed to determine adverse impacts on agriculture. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 15.04 RCW to read as follows:

The history, economy, culture, and the future of Washington state to a large degree all involve agriculture, which is vital to the economic well-being of the state. The legislature finds that farmers and ranchers are responsible stewards of the land, but are increasingly subjected to complaints and unwarranted restrictions that encourage, and even force, the premature removal of lands from agricultural uses.

The legislature further finds that it is now in the overriding public interest that support for agriculture be clearly expressed, and that adequate protection be given to agricultural lands, uses, activities, and operations.

The legislature further finds that the department of agriculture has a duty to promote and protect agriculture and its dependent rural community in Washington state.

NEW SECTION. Sec. 2. A new section is added to chapter 15.04 RCW to read as follows:

The department shall seek to enhance, protect, and perpetuate the ability of the private sector to produce food and fiber. Additionally, the department shall seek to maintain the economic well-being of the agricultural industry and its dependent rural community in Washington state.

On page 1, line 2 of the title, after "agriculture;" strike the remainder of the title and insert "and adding new sections to chapter 15.04 RCW."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; Rasmussen; and Roland.

Excused: Representative Grant.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5098 Prime Sponsor, Committee on Agriculture & Water Resources:
Extending the coverage of processor liens. Reported by Committee
on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 20.01.010 and 1989 c 354 s 37 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Director" means the director of agriculture or his or her duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. ~~((When used in RCW 60.13.020, "agricultural product" means horticultural, viticultural, and berry products, hay and straw, and turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.))~~

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.

(5) "Consignor" means any producer, person, or his or her agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.

(6) "Commission merchant" means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.

(8) "Limited dealer" means any person operating under the alternative bonding provision in RCW 20.01.211.

(9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.

(10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy for resale any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, or bankdraft may be used for the payment. For the purposes of this subsection, "agricultural product," does not include hay, grain, straw, or livestock.

(11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his or her employer. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.

(12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year.

(13) "Fixed or established place of business" for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt in ((in)) quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery;

(c) Terms under which the commission merchant may use his or her judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his or her pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his or her interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying the products.

(17) "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

(18) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.

(19) "Proprietary seed" means any seed that is protected under the federal plant variety protection act.

(20) "Licensed public weighmaster" means any person, licensed under the provisions of chapter 15.80 RCW, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count upon which the purchase or sale of any commodity or upon which the basic charge of payment for services rendered is based.

(21) "Certified weight" means any signed certified statement or memorandum of weight, measure or count issued by a licensed public weighmaster in accordance with the provisions of chapter 15.80 RCW.

Sec. 2. RCW 60.13.010 and 1987 c 148 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Agricultural product((;))" means any unprocessed horticultural product, poultry or poultry product, livestock, hay, or straw, grain, or other unprocessed agricultural product. When used in RCW 60.13.020, "agricultural product" means horticultural, aquacultural, viticultural, or berry products, hay or straw, milk or milk products, and turf or forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.

(2) "Conditioner," "consignor," "person," (~~("processor,")~~) and "producer" have the meanings defined in RCW 20.01.010.

((2)) (3) "Delivers" means that a producer completes the performance of all contractual obligations with reference to the transfer of actual or constructive possession or control of an agricultural product to a processor or conditioner or preparer, regardless of whether the processor or conditioner or preparer takes physical possession.

(4) "Preparer" means a person engaged in the business of feeding livestock or preparing livestock products for market.

((3)) (5) "Processor" means any person, firm, company, or other organization that purchases agricultural products from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those agricultural products in any manner whatsoever for eventual resale, or that purchases or markets milk from a dairy producer and is obligated to remit payment to such dairy producer directly.

(6) "Commercial fisherman" means a person licensed to fish commercially for or to take food fish or shellfish or steelhead legally caught pursuant to executive order, treaty right, or federal statute.

((4)) (7) "Fish" means food fish or shellfish or steelhead legally caught pursuant to executive order, treaty right, or federal statute.

NEW SECTION. Sec. 3. A new section is added to chapter 60.13 RCW to read as follows:

A person who controls or possesses amounts payable to the processor of agricultural products or the processor's assigns, which are properly encumbered by a processor's lien upon an account receivable shall not be obligated to pay a producer amounts to which the

producer's processor lien has attached until that person receives written notice of such lien, nor shall that person be liable to the producer for any amounts paid out prior to receipt of the notice. The notice required by this section shall contain the information described in RCW 60.13.040(2). If requested by the person responsible for payment of such amounts, the producer must seasonably furnish reasonable proof that the processor lien continues to exist and unless such proof is so furnished, that person has no obligation to pay the producer. A processor shall provide the name of the purchaser or marketing agent of the products to the producer upon request.

Failure to furnish the written notice as provided in this section does not affect the status of the lien established under this chapter in regard to the relationship with other creditors.

On page 1, line 1 of the title, after "liens;" strike the remainder of the title and insert "amending RCW 20.01.010 and 60.13.010; and adding a new section to chapter 60.13 RCW."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; McLean; Rasmussen; and Roland.

Excused: Representative Lisk.

Passed to Committee on Rules for second reading.

April 2, 1991

SB 5107 Prime Sponsor, Senator Nelson: Making multiple changes to the statutes governing corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Hargrove; Inslee; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Ludwig, Vice Chair; Forner; Locke; and Wineberry.

Passed to Committee on Rules for second reading.

April 3, 1991

SB 5111 Prime Sponsor, Senator Madsen: Directing money received by inmates, for testifying, into the victims compensation account. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; and H. Myers.

Excused: Representative R. King.

Passed to Committee on Rules for second reading.

April 5, 1991

E2SSB 5120 Prime Sponsor, Committee on Ways & Means: Making adjustments to child support guidelines. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Basic child support obligation" means the monthly child support obligation determined from the economic table based on the parties' combined monthly net income and the number of children for whom support is owed.

(2) "Child support schedule" means the standards, economic table, worksheets, and instructions, as defined in this chapter.

(3) "Court" means a superior court judge, court commissioner, and presiding and reviewing officers who administratively determine or enforce child support orders.

(4) "Deviation" means a child support amount that differs from the standard calculation.

(5) "Economic table" means the child support table for the basic support obligation provided in section 2 of this act.

(6) "Instructions" means the instructions developed by the office of the administrator for the courts pursuant to RCW 26.19.050 for use in completing the worksheets.

(7) "Multiple families" means all the possible combinations of families in which a party has children from more than one relationship to whom the party owes a duty to support. Possible combinations include any natural, adopted, or stepchildren to whom the person owes a duty of support, whether or not the children are illegitimate or were born during a former or existing marriage, and whether or not the children reside with the person obligated to support them.

(8) "Standards" means the standards for determination of child support as provided in sections 3 through 7 of this act and RCW 26.19.090.

(9) "Standard calculation" means the presumptive amount of child support owed as determined from the child support schedule before the court considers any reasons for deviation.

(10) "Support transfer payment" means the amount of money the court orders one parent to pay to another parent or custodian for child support after determination of the standard calculation and deviations. If certain expenses or credits are expected to fluctuate and the order states a formula or percentage to determine the additional amount or credit on an ongoing basis, the term "support transfer payment" does not mean the additional amount or credit.

(11) "Worksheets" means the forms developed by the office of the administrator for the courts pursuant to RCW 26.19.050 for use in determining the amount of child support.

NEW SECTION. Sec. 2. ECONOMIC TABLE.

ECONOMIC TABLE

MONTHLY BASIC SUPPORT OBLIGATION PER CHILD

KEY: A = AGE 0-11 B = AGE 12-18

COMBINED
MONTHLY

ONE

TWO

NET INCOME	CHILD FAMILY		CHILDREN FAMILY	
	A	B	A	B
0				
100				
200				
300	For income less than \$600 see section 7 of			
400	this act.			
500				
600	133	164	103	127
700	155	191	120	148
800	177	218	137	170
900	199	246	154	191
1,000	220	272	171	211
1,100	242	299	188	232
1,200	264	326	205	253
1,300	285	352	221	274
1,400	307	379	238	294
1,500	327	404	254	313
1,600	347	428	269	333
1,700	367	453	285	352
1,800	387	478	300	371
1,900	407	503	316	390
2,000	427	527	331	409
2,100	447	552	347	429
2,200	467	577	362	448
2,300	487	601	378	467
2,400	506	626	393	486
2,500	526	650	408	505
2,600	543	672	423	521
2,700	561	693	436	538
2,800	578	715	449	555
2,900	596	736	463	571
3,000	613	757	476	588
3,100	630	778	489	605
3,200	647	800	502	620
3,300	664	821	516	637
3,400	680	840	528	652
3,500	695	859	540	667
3,600	711	879	552	682
3,700	727	898	564	697
3,800	741	916	576	712
3,900	757	935	588	726
4,000	771	954	599	740
4,100	787	972	611	754
4,200	802	991	623	769
4,300	816	1,009	634	783
4,400	829	1,025	644	795
4,500	842	1,040	653	807
4,600	854	1,056	663	819
4,700	866	1,070	673	831

4,800	878	1,086	682	843
4,900	891	1,100	692	855
5,000	902	1,115	701	865
5,100	914	1,130	711	877
5,200	925	1,144	719	888
5,300	937	1,159	728	899
5,400	949	1,173	737	911
5,500	960	1,186	746	922
5,600	971	1,201	755	932
5,700	983	1,214	764	942
5,800	993	1,228	772	953
5,900	1,005	1,241	780	964
6,000	1,015	1,254	789	974
6,100	1,026	1,268	797	985
6,200	1,036	1,281	806	995
6,300	1,047	1,294	814	1,004
6,400	1,057	1,307	822	1,014
6,500	1,068	1,319	829	1,024
6,600	1,077	1,332	837	1,034
6,700	1,088	1,344	845	1,044
6,800	1,097	1,357	853	1,054
6,900	1,108	1,369	861	1,063
7,000	1,117	1,380	869	1,072

COMBINED MONTHLY NET INCOME	THREE CHILDREN FAMILY		FOUR CHILDREN FAMILY		FIVE CHILDREN FAMILY	
	A	B	A	B	A	B

0						
100						
200						
300						
400						
500						
600	86	106	73	90	63	78
700	100	124	85	105	74	91
800	115	142	97	120	84	104
900	129	159	109	135	95	118
1,000	143	177	121	149	105	130
1,100	157	194	133	164	116	143
1,200	171	211	144	179	126	156
1,300	185	228	156	193	136	168
1,400	199	246	168	208	147	181
1,500	212	262	179	221	156	193
1,600	225	278	190	235	166	205
1,700	238	294	201	248	175	217
1,800	251	310	212	262	185	228
1,900	264	326	223	275	194	240
2,000	277	342	234	289	204	252
2,100	289	358	245	303	213	264

For income less than \$600 see section 7 of this act.

2,200	302	374	256	316	223	276
2,300	315	390	267	330	233	288
2,400	328	406	278	343	242	299
2,500	341	421	288	356	251	311
2,600	352	436	298	368	260	321
2,700	364	450	308	380	268	332
2,800	375	463	317	392	276	342
2,900	386	478	327	404	285	352
3,000	397	491	336	415	293	362
3,100	409	505	345	426	301	372
3,200	419	519	355	439	310	382
3,300	430	531	364	450	317	392
3,400	440	544	372	461	325	402
3,500	450	557	381	471	333	411
3,600	460	569	389	482	340	420
3,700	470	582	398	492	348	429
3,800	480	594	407	502	355	438
3,900	491	606	415	513	361	447
4,000	501	618	423	523	369	456
4,100	510	630	431	533	376	465
4,200	520	642	440	542	383	474
4,300	529	654	447	553	390	482
4,400	538	664	454	561	396	490
4,500	545	674	461	570	402	497
4,600	553	684	468	578	408	505
4,700	562	694	474	587	414	512
4,800	570	704	481	595	420	519
4,900	577	713	488	603	426	526
5,000	585	723	494	611	432	534
5,100	593	732	501	619	437	540
5,200	600	742	507	627	442	547
5,300	607	751	514	635	448	554
5,400	615	761	520	642	453	561
5,500	622	770	527	651	459	567
5,600	629	778	533	658	464	574
5,700	637	787	539	666	470	581
5,800	644	796	545	673	475	587
5,900	651	805	551	680	481	593
6,000	658	814	557	688	486	600
6,100	665	822	562	695	490	606
6,200	672	830	568	702	495	613
6,300	679	839	574	709	500	619
6,400	686	847	579	716	505	625
6,500	692	855	585	724	510	631
6,600	698	863	591	730	515	637
6,700	705	872	596	737	520	643
6,800	712	880	601	744	525	648
6,900	718	887	607	750	530	655
7,000	724	895	612	757	535	660

For combined monthly net income that exceeds \$7000 see section 7 of this act.

NEW SECTION. Sec. 3. STANDARDS FOR CHILD SUPPORT SCHEDULE APPLICATION. (1) Application of the child support schedule. The child support schedule shall be applied:

- (a) In each county of the state;
- (b) In judicial and administrative proceedings under this title or Title 13 or 74 RCW;
- (c) In all proceedings in which child support is determined or modified;
- (d) In setting temporary and permanent support;
- (e) In automatic modification provisions or decrees entered pursuant to RCW 26.09.100; and
- (f) In addition to proceedings in which child support is determined for minors, to adult children who are dependent on their parents and for whom support is ordered pursuant to RCW 26.09.100.

The provisions of this chapter for determining child support and reasons for deviation from the standard calculation shall be applied in the same manner by the court, presiding officers, and reviewing officers.

(2) Written findings of fact supported by the evidence. An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for any deviation from the standard calculation and reasons for denial of a party's request for deviation from the standard calculation.

(3) Completion of worksheets. Worksheets in the form developed by the office of the administrator for the courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the office of the administrator for the courts.

(4) Court review of the worksheets and order. The court shall review the worksheets and the order setting support for the adequacy of the reasons set forth for any deviation or denial of any request for deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. Worksheets shall be attached to the decree or order or if filed separately shall be initialed or signed by the judge and filed with the order.

NEW SECTION. Sec. 4. STANDARDS FOR ALLOCATION OF CHILD SUPPORT OBLIGATION BETWEEN PARENTS. (1) The parents' total obligation for support shall be based on their combined monthly net income, resources, and special child rearing costs.

(2) The basic child support obligation derived from the economic table shall be allocated between the parents based on each parent's share of the combined monthly net income.

(3) Ordinary health care expenses are included in the economic table. Monthly health care expenses that exceed five percent of the basic support obligation shall be considered extraordinary health care expenses. Extraordinary health care expenses, day care expenses, and special child rearing expenses such as tuition and long distance transportation costs to and from the parents for visitation purposes, are not included in the economic table. These expenses shall be shared by the parents in the same proportion as the basic support obligation. These expenses may be listed as a specific dollar amount or as a percentage amount. Day care expenses include, but are not limited to, day care expenses incurred while the parent in custody of the child is working, pursuing accredited educational training, or obtaining medical care.

(4) The court shall exercise discretion to determine the necessity for and the reasonableness of all amounts ordered in excess of the basic support obligation.

NEW SECTION. Sec. 5. STANDARDS FOR DETERMINATION OF INCOME. (1) Consideration of all income. All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent. However, for purposes of calculating the basic support obligation, only the income of the parents of the children whose support is at issue shall

be calculated. Income and resources of any other person shall not be included in calculating the basic support obligation.

(2) Verification of income. Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) Income sources included in gross monthly income. Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

- (a) Salaries;
- (b) Wages;
- (c) Commissions;
- (d) Deferred compensation;
- (e) Recurring bonuses;
- (f) Dividends;
- (g) Interest;
- (h) Trust income;
- (i) Severance pay;
- (j) Annuities;
- (k) Capital gains;
- (l) Pension retirement benefits;
- (m) Workers' compensation;
- (n) Unemployment benefits; and
- (o) Spousal maintenance actually received.

(4) Income sources excluded from gross monthly income. The following income and resources shall be disclosed but shall not be included in gross income:

- (a) Income of a new spouse or income of other adults in the household;
- (b) Child support received from other relationships;
- (c) Nonrecurring income from bonuses, contract-related cash benefits, gifts, and prizes. The burden of proving that these sources of income are nonrecurring is on the parent seeking to exclude them from gross income;
- (d) Overtime, whether mandatory or voluntary;
- (e) If the parent has at least one full-time job that requires the parent to work a minimum of forty hours per week, income derived from a second job or additional jobs other than the full-time job;
- (f) Aid to families with dependent children;
- (g) Supplemental security income;
- (h) General assistance;
- (i) Veterans aid and attendance allowance or special medical compensation paid under 38 U.S.C. Sec. 314 (k) through (r); and
- (j) Food stamps.

Receipt of income and resources from aid to families with dependent children, supplemental security income, general assistance, veterans aid and attendance allowance or special medical compensation paid under 38 U.S.C. Sec. 314 (k) through (r), and food stamps shall not be a reason to deviate from the standard calculation.

(5) Determination of net income. The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

- (a) Federal and state income taxes;
- (b) Federal insurance contributions act deductions;
- (c) Mandatory pension plan payments;
- (d) Mandatory union or professional dues;
- (e) State industrial insurance premiums;
- (f) Court-ordered spousal maintenance to the extent actually paid;

(g) Up to two thousand dollars per year in voluntary pension payments actually made if the contributions were made for the two tax years preceding the earlier of the (i) tax year in which the parties separated with intent to live separate and apart or (ii) tax year in which the parties filed for dissolution; and

(h) Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

Items deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) Imputation of income. The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history, education, health, age, and other relevant factors. A parent will not be deemed underemployed if that parent is gainfully employed on a full-time basis. Income shall not be imputed for an unemployable parent.

NEW SECTION. Sec. 6. STANDARDS FOR DEVIATION FROM THE STANDARD CALCULATION. (1) Reasons for deviation from the standard calculation include but are not limited to the following:

(a) Sources of income and tax planning. The court may deviate from the standard calculation after consideration of the following resources and income:

(i) Income of a new spouse;

(ii) Income of other adults in the household;

(iii) Child support actually received from other relationships;

(iv) Overtime, whether mandatory or voluntary;

(v) Nonrecurring bonuses;

(vi) Contract-related cash benefits;

(vii) Gifts;

(viii) Prizes;

(ix) Income derived from a second job or additional jobs that was excluded from gross income under section 5 of this act;

(x) Possession of wealth, including but not limited to savings, investments, real estate holdings and business interests, vehicles, boats, pensions, bank accounts, insurance plans, or other assets;

(xi) Extraordinary income of a child; or

(xii) Tax planning considerations. A deviation for tax planning may be granted only if the child would not receive a lesser economic benefit due to the tax planning.

(b) Debt and high expenses. The court may deviate from the standard calculation after consideration of the following expenses:

(i) Extraordinary debt not voluntarily incurred;

(ii) A significant disparity in the living costs of the parents due to conditions beyond their control;

(iii) Special needs of disabled children; or -

(iv) Special medical, educational, or psychological needs of the children.

(c) Residential schedule. The court may deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to make a support transfer payment. The court may not deviate on that basis if the deviation will result in insufficient funds in the house receiving the support to meet the basic needs of the child or if the child is receiving aid to families with dependent children. When determining the amount of the deviation, the court shall consider evidence concerning the increased expenses to a parent making support transfer payments resulting from the significant amount of time spent with that parent and shall consider the decreased expenses, if any, to the party receiving the support resulting from the significant amount of time the child spends with the parent making the support transfer payment.

(d) Multiple families. The court may deviate from the standard calculation when either or both of the parents before the court have children in multiple families to whom the parent owes a duty of support.

(i) The child support schedule shall be applied to the mother, father, and children of the family before the court to determine the presumptive amount of support.

(ii) Children from families other than the children of the parties before the court shall not be counted in the number of children for purposes of determining the basic support obligation and the standard calculation.

(iii) When considering a deviation from the standard calculation for children in the family before the court, the court may consider only other children to whom the parent owes a duty of support. The court may consider court-ordered payments of child support for children from other families only to the extent that the support is actually paid.

(iv) When the court has determined that either or both parents have multiple families, deviations under this section shall be based on consideration of the total circumstances of both households. All child support obligations paid, received, and owed for all children in the multiple families shall be disclosed and considered.

(2) All income and resources of the parties before the court, new spouses, and other adults in the households shall be disclosed and considered. The presumptive amount of support shall be determined according to the child support schedule. Unless specific reasons for deviation are set forth in the written findings of fact and are supported by the evidence, the court shall order each parent to pay the amount of support determined by using the standard calculation.

(3) The court shall enter findings that specify reasons for any deviation or any denial of a party's request for any deviation from the standard calculation made by the court. The court shall not consider reasons for deviation until the court determines the standard calculation for each parent.

(4) When reasons exist for deviation, the court shall exercise discretion in considering the extent to which the factors would affect the support obligation.

(5) Agreement of the parties is not by itself adequate reason for any deviation from the standard calculation.

NEW SECTION. Sec. 7. STANDARDS FOR ESTABLISHING LOWER AND UPPER LIMITS ON CHILD SUPPORT AMOUNTS. (1) Limit at fifty percent of a parent's net income. Neither parent's total child support obligation may exceed fifty percent of net income except for good cause shown. Good cause includes but is not limited to possession of substantial wealth, children with day care expenses, special medical need, educational need, psychological need, and larger families.

(2) Income below six hundred dollars. When combined monthly net income is less than six hundred dollars, a support order of not less than twenty-five dollars per child per month shall be entered for each parent. A parent's support obligation shall not reduce his or her net income below the need standard for one person established pursuant to RCW 74.04.770, except for the mandatory minimum payment of twenty-five dollars per child per month as required in this section or in cases where the court finds reasons for deviation under section 6 of this act. This section shall not be construed to require monthly substantiation of income.

(3) Income above seven thousand dollars. When combined monthly net income exceeds the highest combined monthly net income for which a presumptive amount of support is established, child support shall not be set at a level lower than that amount from the table unless the court finds reasons for deviation below that level, but the court has discretion to establish support at higher levels upon written findings of fact.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) RCW 26.19.001 and 1988 c 275 s 1;

(2) RCW 26.19.010 and 1988 c 275 s 2;

- (3) RCW 26.19.020 and 1990 1st ex.s. c 2 s 19, 1989 c 175 s 76, & 1988 c 275 s 3;
- (4) RCW 26.19.040 and 1990 1st ex.s. c 2 s 20, 1988 c 275 s 5, & 1987 c 440 s 2;
- (5) RCW 26.19.060 and 1988 c 275 s 7;
- (6) RCW 26.19.070 and 1990 1st ex.s. c 2 s 6;
- (7) RCW 26.19.080 and 1990 1st ex.s. c 2 s 7; and
- (8) RCW 26.19.110 and 1990 1st ex.s. c 2 s 12.

NEW SECTION. Sec. 9. Sections 1 through 7 of this act are each added to chapter 26.19 RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act shall take effect September 1, 1991.

NEW SECTION. Sec. 12. Captions as used in this act do not constitute any part of the law.

In line 1 of the title, after "support;" strike the remainder of the title and insert "adding new sections to chapter 26.19 RCW; repealing RCW 26.19.001, 26.19.010, 26.19.020, 26.19.040, 26.19.060, 26.19.070, 26.19.080, and 26.19.110; creating a new section; and providing an effective date."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Paris, Assistant Ranking Minority Member; Broback; Forner; Hargrove; Inslee; Mielke; H. Myers; and Scott.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Minority Member; Belcher; R. Meyers; D. Sommers; and Tate.

Voting nay: Representatives Padden, Ranking Minority Member; Belcher; R. Meyers; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

April 3, 1991

ESSB 5121 Prime Sponsor, Committee on Governmental Operations: Protecting whistleblowers. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 42.40.020 and 1989 c 284 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3)(a) "Improper governmental action" means any action by an employee:

(i) Which is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and

(ii) Which is in violation of any state law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

(b) "Improper governmental action" does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, or any action which may be taken under chapter 41.06 or 28B.16 RCW, or other disciplinary action except as provided in RCW 42.40.030.

(4) "Use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 or 28B.16 RCW, or other disciplinary action.

(5) "Whistleblower" means an employee who in good faith reports alleged improper governmental action to the auditor, initiating an investigation under RCW 42.40.040. For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means an employee who in good faith provides information to the auditor in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported alleged improper governmental action to the auditor or to have provided information to the auditor in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information.

Sec. 2. RCW 42.40.040 and 1989 c 284 s 3 are each amended to read as follows:

(1) Upon receiving specific information that an employee has engaged in improper governmental action, the auditor shall, within five working days of receipt of the information, mail written acknowledgement to the whistleblower at the address provided. For a period not to exceed thirty days, the auditor shall conduct such preliminary investigation of the matter as the auditor deems appropriate. In conducting the investigation, the identity of the ~~((person providing the information which initiated the investigation))~~ whistleblower shall be kept confidential.

(2) In addition to the authority under subsection (1) of this section, the auditor may, on its own initiative, investigate incidents of improper state governmental action.

(3)(a) If it appears to the auditor, upon completion of the preliminary investigation, that the matter is so unsubstantiated that no further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the ~~((person, if known, who provided the information initiating the investigation))~~ whistleblower.

(b) The notification shall be by memorandum containing a summary of the information received, a summary of the results of the preliminary investigation with regard to each allegation of improper governmental action, and any determination made by the auditor under (c) of this subsection.

(c) In any case to which this section applies, the identity of the ~~((person who provided the information initiating the investigation))~~ whistleblower shall be kept confidential unless the auditor determines that the information has been provided other than in good faith.

(d) If it appears to the auditor that the matter does not meet the definition of an "improper governmental action" under RCW 42.40.020(3), or is other than a gross waste of public funds, the auditor may forward a summary of the allegations to the appropriate agency for investigation and require a response by memorandum containing a summary of the investigation with regard to each allegation and any determination of corrective action taken. The auditor will keep the identity of the ~~((person who provided the information initiating the investigation))~~ whistleblower confidential. Upon receipt of the

results of the investigation from the appropriate agency, the auditor will notify the ~~((provider))~~ whistleblower as prescribed under (a), (b), and (c) of this subsection.

(4) If it appears to the auditor after completion of the preliminary investigation that further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the ~~((party, if known, who provided the information initiating the investigation))~~ whistleblower and either conduct further investigations or issue a report under subsection (6) of this section. Within sixty days after the thirty-day period in subsection (1) of this section, the auditor shall complete the investigation and report its findings to the whistleblower unless written justification for the delay is furnished to the whistleblower. In all such cases, the report of the auditor's investigation and findings shall be sent to the whistleblower within one year after the information was filed under subsection (1) of this section.

(5)(a) At any stage of an investigation under this section the auditor may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the investigation at any designated place in the state. The auditor may issue subpoenas, administer oaths, examine witnesses, and receive evidence. In the case of contumacy or failure to obey a subpoena, the superior court for the county in which the person to whom the subpoena is addressed resides or is served may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The auditor may order the taking of depositions at any stage of a proceeding or investigation under this chapter. Depositions shall be taken before an individual designated by the auditor and having the power to administer oaths. Testimony shall be reduced to writing by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

(6)(a) If the auditor determines that there is reasonable cause to believe that an employee has engaged in any improper activity, the auditor shall report the nature and details of the activity to:

(i) The employee and the head of the employing agency; and

(ii) If appropriate, the attorney general or such other authority as the auditor determines appropriate.

(b) The auditor has no enforcement power except that in any case in which the auditor submits a report of alleged improper activity to the head of an agency, the attorney general, or any other individual to which a report has been made under this section, the individual shall report to the auditor with respect to any action taken by the individual regarding the activity, the first report being transmitted no later than thirty days after the date of the auditor's report and monthly thereafter until final action is taken. If the auditor determines that appropriate action is not being taken within a reasonable time, the auditor shall report the determination to the governor and to the legislature.

(7) This section does not limit any authority conferred upon the attorney general or any other agency of government to investigate any matter.

Sec. 3. RCW 42.40.050 and 1989 c 284 s 4 are each amended to read as follows:

~~(((1) Any employee (a) who provides his or her name and specific information to the auditor on any matter which is found to warrant further investigation or other action, or which is provided by the employee in good faith, as determined by the auditor, whether or not further action is warranted and (b) who is subjected to any reprisal or retaliatory action undertaken during the period beginning on the day after the date on which the specific information is received by the auditor alleging improper governmental action, may seek judicial review of the reprisal or retaliatory action in superior court, whether or not there has been an administrative review of the action. In such an action, the reviewing court may award reasonable attorney's fees.~~

~~(2) The employee who provided specific information shall notify the state auditor in writing if any changes in the employee's work situation exist which are related to the employee's having provided information. If the auditor has reason to believe that such a change in work situation has occurred, the auditor shall investigate and report on the matter in accordance with this chapter.~~

(3)) Any person who is a whistleblower, as defined in RCW 42.40.020, and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW. For the purpose of this section "reprisal or retaliatory action" means but is not limited to:

- ~~((a))~~ (1) Denial of adequate staff to perform duties;
- ~~((b))~~ (2) Frequent staff changes;
- ~~((c))~~ (3) Frequent and undesirable office changes;
- ~~((d))~~ (4) Refusal to assign meaningful work;
- ~~((e))~~ (5) Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;
- ~~((f))~~ (6) Demotion;
- ~~((g))~~ (7) Reduction in pay;
- ~~((h))~~ (8) Denial of promotion;
- ~~((i))~~ (9) Suspension; ~~(and~~
- ~~(j))~~ (10) Dismissal;
- (11) Denial of employment; and
- (12) A supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower.

Nothing in this section prohibits an agency from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower. However, the agency also shall implement any order under chapter 49.60 RCW (other than an order of suspension if the agency has terminated the retaliator).

Sec. 4. RCW 49.60.210 and 1985 c 185 s 18 are each amended to read as follows:

(1) It is an unfair practice for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter.

(2) It is an unfair practice for a government agency or government manager or supervisor to retaliate against a whistleblower as defined in chapter 42.40 RCW.

Sec. 5. RCW 49.60.250 and 1989 c 175 s 115 are each amended to read as follows:

(1) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of findings to that effect, the entire file, including the complaint and any and all findings made, shall be certified to the chairperson of the commission. The chairperson of the commission shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the commission: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the commission who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall the member or employee participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the commission and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, an admission or restoration to full membership rights in any respondent organization, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed one thousand dollars, and including a requirement for report of the matter on compliance.

(6) If a determination is made that retaliatory action, as defined in RCW 42.40.050, has been taken against a whistleblower, as defined in RCW 42.40.020, the administrative law judge may, in addition to any other remedy, impose a civil penalty upon the retaliator of up to three thousand dollars and issue an order to the state employer to suspend the retaliator for up to thirty days without pay. At a minimum, the administrative law judge shall require that a letter of reprimand be placed in the retaliator's personnel file. All penalties recovered shall be paid into the state treasury and credited to the general fund.

(7) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.05.510 through 34.05.598, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

~~((7))~~ (8) If, upon all the evidence, the administrative law judge finds that the respondent has not engaged in any alleged unfair practice, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

~~((8))~~ (9) An order dismissing a complaint may include an award of reasonable attorneys' fees in favor of the respondent if the administrative law judge concludes that the complaint was frivolous, unreasonable, or groundless.

~~((9))~~ (10) The commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure.

Sec. 6. RCW 43.09.050 and 1979 c 151 s 91 are each amended to read as follows:
The auditor shall:

(1) Except as otherwise specifically provided by law, audit the accounts of all collectors of the revenue and other holders of public money required by law to pay the same into the treasury;

(2) In his or her discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;

(3) Investigate improper governmental activity under chapter 42.40 RCW;

(4) Inform the attorney general in writing of the necessity for ~~(him)~~ the attorney general to direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;

~~((4))~~ (5) Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his or her office;

~~((5))~~ (6) Report to the director of financial management in writing the names of all persons who have received any moneys belonging to the state, and have not accounted therefor;

~~((6))~~ (7) Authenticate with his or her official seal papers issued from his or her office;

~~((7))~~ (8) Make his or her official report annually on or before the 31st of December.

Sec. 7. RCW 43.88.160 and 1987 c 505 s 36 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

The director of financial management is responsible for quarterly reporting of primary budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

In addition, the director of financial management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the

following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(e) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

(f) Promulgate regulations to effectuate provisions contained in ~~((subsections))~~ (a) through (e) ~~((hereof))~~ of this subsection.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. The current post audit of each

agency may include a section on recommendations to the legislature as provided in (c) of this subsection ~~((3)(e) of this section)~~.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: PROVIDED, That nothing in this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085 as now or hereafter amended.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(4) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as now or hereafter amended. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

NEW SECTION. Sec. 8. A new section is added to chapter 42.40 RCW to read as follows:

(1) Each local government is encouraged to adopt a whistleblower program so that its employees can disclose improper governmental actions without fear of retaliation. Until such time as a local government adopts a whistleblower program that is approved by the state auditor under this section, the local government and its employees shall be subject to the provisions of this chapter as if the local government were a state agency and its employees were state employees. For purposes of applying the provisions of this chapter to a local government and its employees, the reference to "state law or rule" in RCW 42.40.020(3)(a)(ii) also shall include local government laws or rules; and the term "improper governmental action" in RCW 42.40.020(3)(b) also excludes a local government civil service system or personnel system. A local government employee who is a whistleblower as a result of this subsection is also a whistleblower under chapter 49.60 RCW.

(2) Any local government may submit its whistleblower program to the state auditor and request the auditor to approve the program. The state auditor shall approve any local government program that the auditor finds is substantially similar to the provisions of the state whistleblower program. In considering whether or not to approve a local government whistleblower program, the state auditor shall take into consideration the degree to which local government whistleblower complaints will be investigated and the amount of protection offered to local government whistleblowers against retaliatory actions.

(3) Any person who is a whistleblower under an approved local government whistleblower program also is a whistleblower under RCW 42.40.020 for purposes of chapter 49.60 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 43.09 RCW to read as follows:

The expense of investigating improper local governmental activity as provided in chapter 42.40 RCW shall be borne by each entity subject to such investigation. Procedures established by the division of municipal corporations concerning the municipal revolving fund shall be made applicable to these investigations and their expenses.

NEW SECTION. Sec. 10. The sum of twenty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the human rights commission for the purposes of this act.

On page 1, line 1 of the title, after "action;" strike the remainder of the title and insert "amending RCW 42.40.020, 42.40.040, 42.40.050, 49.60.210, 49.60.250, 43.09.050, and 43.88.160; adding a new section to chapter 42.40 RCW; adding a new section to chapter 43.09 RCW; prescribing penalties; and making an appropriation."

Signed by Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; R. Fisher; Moyor; O'Brien; and Sheldon.

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

Excused: Representative Grant.

Referred to Committee on Appropriations.

April 4, 1991

2SSB 5124 Prime Sponsor, Committee on Ways & Means: Licensing private security guards. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhman, Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

Excused: Representative Lisk, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

April 3, 1991

2SSB 5127 Prime Sponsor, Committee on Ways & Means: Establishing citizen review boards. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; and H. Myers.

Excused: Representative R. King.

Passed to Committee on Rules for second reading.

April 5, 1991

SSB 5128 Prime Sponsor, Committee on Ways & Means: Requiring notification to witnesses upon release or escape of serious drug offenders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Inslee and Locke.

Passed to Committee on Rules for second reading.

April 3, 1991

SB 5141 Prime Sponsor, Senator McCaslin: Accelerating changes to five-member boards of county commissioners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Wood; Wynne; and Zellinsky.

Excused: Representatives Cooper, Vice Chair; Horn; Rayburn; and Roland.

Passed to Committee on Rules for second reading.

April 2, 1991

2SSB 5143 Prime Sponsor, Committee on Ways & Means: Increasing the procurement of recycled products. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. FINDINGS AND INTENT. It is the purpose of this chapter to:

(1) Substantially increase the procurement of recycled content products by all local and state governmental agencies and public schools, and provide a model to encourage a comparable commitment by Washington state citizens and businesses in their purchasing practices;

(2) Target government procurement policies and goals toward those recycled products for which there are significant market development needs or that may substantially contribute to solutions to the state's waste management problem;

(3) Provide standards for recycled products for use in procurement programs by all governmental agencies;

(4) Provide the authority for all governmental agencies to adopt preferential purchasing policies for recycled products;

(5) Direct state agencies to develop strategies to increase recycled product purchases, and to provide specific goals for procurement of recycled paper products and organic recovered materials; and

(6) Provide guidance and direction for local governments and other public agencies to develop plans for increasing the procurement of recycled content products.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of cellulose-containing waste materials.

(2) "Local government" means a city, town, county, special purpose district, school district, or other municipal corporation.

(3) "Lubricating oil" means petroleum-based oils for reducing friction in engine parts and other mechanical parts.

(4) "Mixed waste paper" means assorted low-value grades of paper that have not been separated into individual grades of paper at the point of collection.

(5) "Paper and paper products" means all items manufactured from paper or paperboard.

(6) "Postconsumer waste" means a material or product that has served its intended use and has been discarded for disposal or recovery by a final consumer.

(7) "Procurement officer" means the person that has the primary responsibility for procurement of materials or products.

(8) "State agency" means all units of state government, including divisions of the governor's office, the legislature, the judiciary, state agencies and departments, correctional institutions, vocational technical institutions, and universities and colleges.

(9) "Recycled content product" or "recycled product" means a product containing recycled materials.

(10) "Recycled materials" means waste materials and by-products that have been recovered or diverted from solid waste and that can be utilized in place of a raw or virgin material in manufacturing a product and consists of materials derived from postconsumer waste, manufacturing waste, industrial scrap, agricultural wastes, and other items, all of which can be used in the manufacture of new or recycled products.

(11) "Re-refined oils" means used lubricating oils from which the physical and chemical contaminants acquired through previous use have been removed through a refining process. Re-refining may include distillation, hydrotreating, or treatments employing acid, caustic, solvent, clay, or other chemicals, or other physical treatments other than those used in reclaiming.

(12) "USEPA product standards" means the product standards of the United States environmental protection agency for recycled content published in the code of federal regulations.

NEW SECTION. Sec. 3. STANDARDS FOR RECYCLED CONTENT. (1) The director shall adopt standards specifying the minimum content of recycled materials in products or product categories. The standards shall:

(a) Be consistent with the USEPA product standards, unless the director finds that a different standard would significantly increase recycled product availability or competition;

(b) Consider the standards of other states, to encourage consistency of manufacturing standards;

(c) Consider regional product manufacturing capability;

(d) Address specific products or classes of products; and

(e) Consider postconsumer waste content and the recyclability of the product.

(2) The director shall consult with the supply management board and department of ecology prior to adopting the recycled content standards.

(3) The director shall adopt recycled content standards for at least the following products by the dates indicated:

(a) By July 1, 1992:

(i) Paper and paper products;

(ii) Organic recovered materials; and

(iii) Latex paint products;

(b) By July 1, 1993:

(i) Products for lower value uses containing recycled plastics;

(ii) Retread and remanufactured tires;

(iii) Lubricating oils;

(iv) Automotive batteries; and

(v) Building insulation.

(4) The standards required by this section shall be applied to recycled product purchasing by the department and other state agencies. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

NEW SECTION. Sec. 4. LOCAL GOVERNMENT PROCUREMENT PROGRAMS. (1) By January 1, 1993, each local government shall review its existing procurement policies and specifications to determine whether recycled products are intentionally or unintentionally excluded. The policies and specifications shall be revised to include such products unless a recycled content product does not meet an established performance standard of the agency.

(2) By fiscal year 1994, each local government shall adopt a minimum purchasing goal for recycled content as a percentage of the total dollar value of supplies purchased. To assist in achieving this goal each local government shall adopt a strategy by January 1, 1993, and shall submit a description of the strategy to the department. The department shall report to the appropriate standing committees of the legislature by October 1, 1993, on the progress of implementation by local governments, and shall thereafter periodically report on the progress of recycled product purchasing by state and other public agencies. All public agencies shall respond to requests for information from the department for the purpose of its reporting requirements under this section.

(3) Each local government shall designate a procurement officer who shall serve as the primary contact with the department for compliance with the requirements of this chapter.

(4) This section shall apply only to local governments with expenditures for supplies exceeding five hundred thousand dollars for fiscal year 1989. Expenditures for capital

goods and for electricity, water, or gas for resale shall not be considered a supply expenditure.

Sec. 5. RCW 43.19.538 and 1988 c 175 s 2 are each amended to read as follows:

(1) The director of general administration, through the state purchasing director, shall develop specifications and adopt rules for the purchase of products which will provide for preferential purchase of products containing ~~((recovered))~~ recycled material by:

(a) The use of a weighting factor determined by the amount of ~~((recovered))~~ recycled material in a product, where appropriate and known in advance to potential bidders, to determine the lowest responsible bidder. The actual dollars bid shall be the contracted amount. If the department determines, according to criteria established by rule that the use of this weighting factor does not encourage the use of more ~~((recovered))~~ recycled material, the department shall consider and award bids without regard to the weighting factor. In making this determination, the department shall consider but not be limited to such factors as adequate competition, economics or environmental constraints, quality, and availability.

(b) Requiring a written statement of the percentage range of ~~((recovered material))~~ recycled content from the bidder providing products containing ~~((recovered material))~~ recycled. The range may be stated in ~~((fifteen))~~ five percent increments.

(2) The director shall develop a directory of businesses that supply products containing significant quantities of ~~((recovered))~~ recycled materials. This directory may be combined with and made accessible through the data base of recycled content products to be developed under section 8 of this act.

(3) The director shall encourage all parties using the state purchasing office to purchase products containing ~~((recovered))~~ recycled materials.

(4) The rules, specifications, and bid evaluation shall be consistent with recycled content standards adopted under section 3 of this act.

NEW SECTION. Sec. 6. (1) Each local government shall consider the adoption of policies, rules, or ordinances to provide for the preferential purchase of recycled content products. Any local government may adopt the preferential purchasing policy of the department of general administration, or portions of such policy, or another policy that provides a preference for recycled content products.

(2) The department of general administration shall prepare one or more model recycled content preferential purchase policies suitable for adoption by local governments. The model policy shall be widely distributed and provided through the technical assistance and workshops under section 9 of this act.

(3) A local government that is not subject to the purchasing authority of the department of general administration, and that adopts the preferential purchase policy or rules of the department, shall not be limited by the percentage price preference included in such policy or rules.

NEW SECTION. Sec. 7. STATE AGENCY PROCUREMENT. The department shall prepare a mandatory state plan to increase purchases of recycled-content products by the department and all state agencies, including higher education institutions. The plan shall include purchases from public works contracts. The plan shall address the purchase of plastic products, retread and remanufactured tires, motor vehicle lubricants, latex paint, and lead acid batteries having recycled content. In addition, the plan shall incorporate actions to achieve the following purchase level goals of recycled content paper and compost products:

(1) Paper products as a percentage of the total dollar amount purchased on an annual basis:

- (a) At least forty percent by 1993;
- (b) At least fifty percent by 1994;
- (c) At least sixty percent by 1995.

(2) Compost products as a percentage of the total dollar amount on an annual basis:

- (a) At least twenty-five percent by 1993;
- (b) At least forty percent by 1995;
- (c) At least sixty percent by 1997.

NEW SECTION. Sec. 8. DATA BASE. (1) The department shall develop a data base of available products with recycled-content products, and vendors supplying such products. The data base shall incorporate information regarding product consistency with the content standards adopted under section 3 of this act. The data base shall incorporate information developed through state and local government procurement of recycled-content products.

(2) By December 1, 1992, the department shall report to the appropriate standing committees of the legislature on the cost of making the data base accessible to all state and local governments and to the private sector.

(3) The department shall compile information on purchases made by the department or pursuant to the department's purchasing authority, and information provided by local governments, regarding:

- (a) The percentage of recycled content and, if known, the amount of postconsumer waste in the products purchased;
- (b) Price;
- (c) Agency experience with the performance of recycled products and the supplier under the terms of the purchase; and
- (d) Any other information deemed appropriate by the department.

NEW SECTION. Sec. 9. PROCUREMENT EDUCATION PROGRAM. (1) The department shall implement an education program to encourage maximum procurement of recycled products by state and local government entities. The program shall include at least the following:

- (a) Technical assistance to all public agencies and their designated procurement officers on the requirements of this chapter, including preparation of model purchase contracts, the preparation of procurement plans, and the availability of recycled products;
- (b) Two or more workshops annually in which all state and local government entities are invited;
- (c) Information on intergovernmental agreements to facilitate procurement of recycled products.

(2) The director shall, in consultation with the department of ecology, make available to the public, local jurisdictions, and the private sector, a comprehensive list of substitutes for extremely hazardous, hazardous, toxic, and nonrecyclable products, and disposable products intended for a single use. The department and all state agencies exercising the purchasing authorities of the department shall include the substitute products on bid notifications, except where the department allows an exception based upon product availability, price, suitability for intended use, or similar reasons.

(3) The department shall prepare model procurement guidelines for use by local governments.

NEW SECTION. Sec. 10. A new section is added to chapter 43.78 RCW to read as follows:

PUBLIC PRINTER. The public printer shall take all actions consistent with the plan under section 7 of this act to ensure that seventy-five percent or more of the total dollar amount of printing paper stock used by the printer is recycled content paper by January 1, 1995.

NEW SECTION. Sec. 11. BID NOTIFICATION. A notification regarding a state or local government's intent to procure products with recycled content must be prominently displayed in the procurement solicitation or invitation to bid including:

- (1) A description of the postconsumer waste content or recycled content requirements; and

(2) A description of the agency's recycled content preference program.

NEW SECTION. Sec. 12. VENDOR CERTIFICATION. (1) After July 1, 1992, vendors shall certify the percentage of recycled content in products sold to state and local governments, including the percentage of postconsumer waste that is in the product. The certification shall be in the form of a label on the product or a statement by the vendor attached to the bid documents.

(2) The certification on multicomponent or multimaterial products shall verify the percentage and type of postconsumer waste and recycled content by volume contained in the major constituents of the product.

(3) The procuring agency may state in bid solicitations that permission to verify the certification by review of the bidder or manufacturer's records must be granted as a condition of the bid award, in the event of a bidder's protest or other challenge to the bid accepted.

(4) The department shall adopt rules by May 1, 1992, describing the contents of the certification required by this section.

NEW SECTION. Sec. 13. PROCUREMENT OF COMPOST PRODUCTS. (1) The department shall increase the procurement of compost products for all state facilities and grounds that require landscaping or similar work. The department shall survey available vendors and state facilities for which such products are suitable, and attempt to match such supplies and need to lower transportation and other costs. The department shall consider and implement modification of performance standards where appropriate to achieve greater procurement of compost products.

(2) Beginning July 1, 1992, the total of department contracts awarded in whole or in part for the purchase of landscaping materials or soil amendments shall include compost products as follows:

(a) For the period July 1, 1992, through June 30, 1994, twenty-five percent of the total dollar amount of purchases; and

(b) On and after July 1, 1994, fifty percent of the total annual dollar amount of purchases.

NEW SECTION. Sec. 14. A new section is added to chapter 47.28 RCW to read as follows:

COMPOST PRODUCTS IN TRANSPORTATION PROJECTS. (1) A contract awarded in whole or in part for the purchase of compost products as a soil cover or soil amendment to state highway rights of way shall specify that compost products be purchased in accordance with the following schedule:

(a) For the period July 1, 1991, through June 30, 1993, twenty-five percent of the total dollar amount purchased;

(b) For the period July 1, 1993, through June 30, 1995, fifty percent of the total dollar amount purchased. The percentages in this subsection apply only to the materials' value, and do not include services or other materials.

(2) In order to carry out the provisions of this section, the department of transportation shall develop and adopt bid specifications for compost products used in state highway construction projects.

NEW SECTION. Sec. 15. A new section is added to chapter 19.27 RCW to read as follows:

STATE BUILDING CODE STUDY. The state building code council, in consultation with the department of ecology and local governments, shall conduct a study of the state building code, and adopt changes as necessary to encourage greater use of recycled building materials from construction and building demolition debris, mixed waste paper, waste paint, waste plastics, and other waste materials.

NEW SECTION. Sec. 16. USE OF RECYCLED MATERIALS IN ROAD CONSTRUCTION. The department of transportation, in consultation with the department of trade and economic development, shall prepare and forward to the legislature on or

before January 1, 1992, a study of the use of recycled materials for public highways, roads, bicycle routes, trails, and paths. The study shall include, but not be limited to:

(1) An analysis of the types of recycled materials appropriate and feasible as alternative paving material such as glass, tires, or incinerator ash;

(2) An analysis of uses for waste tires, including, but not limited to, erosion control mats, highway stabilization mats, ferry bumpers, highway crash attenuation barriers, road subbase materials, or backfill;

(3) An analysis of using recycled mixed-plastic materials for guard rail posts, right of way fence posts, and sign supports;

(4) Strategies to test and monitor the use of recycled content materials in road construction;

(5) Product specifications for recycled materials;

(6) Programs to demonstrate the feasibility of using recycled materials; and

(7) Identification of recycled material sources and vendors to ensure competitive product pricing and material availability.

NEW SECTION. Sec. 17. **USE OF COMPOST PRODUCTS IN LOCAL ROAD PROJECTS.** (1) Each county and city required to prepare a strategy under section 4 of this act shall adopt specifications for compost products to be used in road projects. The specifications developed by the department of transportation under section 14 of this act may be adopted by the city or county in lieu of developing specifications.

(2) After July 1, 1992, any contract awarded in whole or in part for applying soils, soil covers, or soil amendments to road rights of way shall specify that compost materials be purchased in accordance with the following schedule:

(a) For the period July 1, 1992, through June 30, 1994, at least twenty-five percent of the total dollar amount of purchases by the city or county;

(b) On and after July 1, 1994, at least fifty percent of the annual total dollar amount of purchases by the city or county.

(3) The city or county may depart from the schedule in subsection (2) of this section where it determines that no suitable product is available at a reasonable price.

NEW SECTION. Sec. 18. A new section is added to Title 28A RCW to read as follows:

Every school board of directors shall consider the purchase of playground matting manufactured from shredded waste tires in undertaking construction or maintenance of playgrounds. The department of general administration shall upon request assist in the development of product specifications and vendor identification.

NEW SECTION. Sec. 19. RCW 43.19.537 and 1988 c 175 s 1 & 1982 c 61 s 1 are each repealed.

NEW SECTION. Sec. 20. **CODIFICATION.** Sections 1 through 4, 6 through 9, 11 through 13, 16, and 17 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 21. **CAPTIONS NOT LAW.** Captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 22. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On page 1, line 1 of the title, after "recycling;" strike the remainder of the title and insert "amending RCW 43.19.538; adding a new section to chapter 43.78 RCW; adding a new section to chapter 47.28 RCW; adding a new section to chapter 19.27 RCW; adding a new section to Title 28A RCW; adding a new chapter to Title 43 RCW; creating new sections; and repealing RCW 43.19.537."

Signed by Representatives Rust, Chair; Valle, Vice Chair; Horn, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; Bray; Brekke; G. Fisher; Neher; Phillips; Pruitt; D. Sommers; Sprengle; and Van Luven.

Referred to Committee on Appropriations.

April 5, 1991

SB 5147 Prime Sponsor, Senator Nelson: Protecting alternative dispute resolution processes and mediators and arbitrators from legal action. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 23, after "NEW SECTION. Sec. 2." insert the following:

"Notwithstanding the provisions of section 1 of this act, when any party participates in mediation conducted by an agency under the provisions of a collective bargaining law or similar statute, the agency's rules govern questions of privilege and confidentiality.

NEW SECTION. Sec. 3."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "; adding" strike "a new section" and insert "new sections"

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Passed to Committee on Rules for second reading.

April 2, 1991

SB 5148 Prime Sponsor, Senator Nelson: Making multiple revisions concerning limited partnerships. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 38, beginning on line 11 and continuing through line 20, strike all of Sec. 42.

Renumber the remaining sections consecutively and correct internal references accordingly.

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Broback; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Belcher; Forner; Hargrove; Inslee; Locke; R. Meyers; and Wineberry.

Passed to Committee on Rules for second reading.

April 3, 1991

ESSB 5156 Prime Sponsor, Committee on Governmental Operations: Requiring election officers to review candidates' filings to determine residency. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Moyer; O'Brien; and Sheldon.

Excused: Representative Grant.

Passed to Committee on Rules for second reading.

April 5, 1991

2SSB 5167 Prime Sponsor, Committee on Ways & Means: Amending the juvenile justice act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A juvenile issues task force is created to review the operation of the 1977 Juvenile Justice Act, the Family Reconciliation Act, the 1990 "at-risk" youth legislation, and to study related issues. The task force is charged with issuing a report and making recommendations to the legislature by December 15, 1991.

The task force shall consist of the following members:

(1) Three co-chairs, one from the state senate appointed by the president of the senate; one from the state house of representatives appointed by the speaker of the house of representatives; and one appointed by the governor from among the members of the task force named in subsection (3) of this section.

(2) Eight legislators in addition to the two legislative cochair selected under subsection (1) of this section, two each from the majority and minority caucuses of the senate and two each from the majority and minority caucuses of the house of representatives.

(3) The governor shall appoint the following members of the task force:

- (a) Three superior court judges;
- (b) Two prosecuting attorneys;
- (c) Two juvenile public defenders;
- (d) The secretary of social and health services or the secretary's designee;
- (e) Two juvenile court administrators;
- (f) One police chief or county sheriff;
- (g) One child psychologist;
- (h) One child psychiatrist;
- (i) Two directors of a youth organization;
- (j) One person from the Washington council on crime and delinquency;
- (k) One person from a parents' organization;
- (l) One person from a crisis residential center;
- (m) One juvenile court caseworker;
- (n) One representative of the executive branch;
- (o) One member of the mental health treatment community; and

(p) One member from the substance abuse treatment community.

The department of social and health services shall fund the task force in an amount sufficient to meet its mission. The task force shall be staffed, to the extent possible, by staff available from the membership of the task force.

The governor shall ensure that the racial diversity of the task force membership appointed by the governor reflects the racial diversity of juveniles served under the Family Reconciliation Act, the 1977 Juvenile Justice Act, and the 1990 "at-risk" youth legislation.

NEW SECTION. Sec. 2. The department of social and health services, in cooperation with the commission on African American affairs, shall contract for an independent study of racial disproportionality in the juvenile justice system. The study shall identify key decision points in the juvenile justice system where race and/or ethnicity-based disproportionality exists in the treatment and incarceration of juvenile offenders. The study shall identify the causes of disproportionality, and propose new policies and procedures to address disproportionality.

The department shall submit the study's preliminary findings and recommendations to the juvenile justice task force established under section 1 of this act by September 13, 1991. The final report shall be submitted to the appropriate committees of the legislature by December 1, 1991.

The juvenile justice task force shall utilize the information on disproportionality in developing its report and recommendations to the legislature required under section 1 of this act.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "justice;" strike the remainder of the title and insert "creating new sections; and declaring an emergency."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Inslee; Locke; D. Sommers; and Wineberry.

Passed to Committee on Rules for second reading.

April 2, 1991

SB 5170 Prime Sponsor, Senator Snyder: Changing the number of district judges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 3.34.040 and 1984 c 258 s 10 are each amended to read as follows:

A district judge serving a district having a population of forty thousand or more persons, and a district judge receiving a salary (~~(greater than)~~) equal to the maximum salary ((provided in RCW 3.58.020(6)) set by the salary commission under RCW 3.58.020 for district judges shall be deemed full time judges and shall devote all of their time to the office and shall not engage in the practice of law. Other judges shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other

occupations but shall maintain a separate office for private business and shall not use for private business the services of any clerk or secretary paid for by the county or office space or supplies furnished by the judicial district.

Sec. 2. RCW 3.58.020 and 1984 c 258 s 35 are each amended to read as follows:

The annual salaries of part time district judges shall be set by the ~~((county legislative authority in each county in accordance with the minimum and maximum salaries provided in this subsection:~~

~~(1) In districts having a population under two thousand five hundred persons, the salary shall be not less than one thousand five hundred dollars nor more than twelve thousand dollars;~~

~~(2) In districts having a population of two thousand five hundred persons or more, but less than five thousand, the salary shall be set at not less than one thousand eight hundred dollars nor more than fifteen thousand five hundred dollars;~~

~~(3) In districts having a population of five thousand persons or more, but less than seven thousand five hundred, the salary shall be set at no less than one thousand eight hundred or more than twenty five thousand dollars;~~

~~(4) In districts having a population of seven thousand five hundred persons or more, but less than ten thousand, the salary shall be set at not less than two thousand two hundred fifty dollars or more than thirty thousand dollars;~~

~~(5) In districts having a population of ten thousand persons or more, but less than twenty thousand, the salary shall be set at no less than three thousand dollars or more than thirty two thousand dollars;~~

~~(6) In districts having a population of twenty thousand persons or more, but less than thirty thousand, the salary shall be set at not less than five thousand two hundred fifty dollars or more than forty thousand dollars)) citizens' commission on salaries.~~

On page 1, line 1 of the title, after "judges;" strike the remainder of the title and insert "and amending RCW 3.34.040 and 3.58.020."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Hargrove; Inslee; Locke; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Ludwig, Vice Chair; Forner; and Wineberry.

Passed to Committee on Rules for second reading.

April 3, 1991

SSB 5174 Prime Sponsor, Committee on Higher Education: Providing for additional enrollments at state institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This act shall be known as the higher education opportunity act of 1991.

NEW SECTION. Sec. 2. The state of Washington has historically given high priority to the higher education needs of its citizens. As we move to the twenty-first century and to the more competitive world economy that it brings, it is imperative that we provide access to all of the types of higher education that are needed by the citizens

of Washington, including access to the community college system, one of the finest community college systems in the country.

The higher education coordinating board has determined that there is a need in this state for increased participation at the upper-division and graduate levels and that baccalaureate and graduate degrees need to be earned at an increased rate for our citizens to maintain competitiveness in the world economy. There is also a need to increase the opportunity for citizens to learn entry-level skills and trades resulting in their ability to become productive individuals in our society and not depend on the state for subsistence grants.

It is the intent of the legislature to endorse the long-term enrollment goals established by the higher education coordinating board. This act begins the process of achieving the board's goals of a participation rate equal to the 70th percentile of national participation rates for upper-division and graduate students and a participation rate equal to the 90th percentile of national participation rates for all students.

It is the intent of this act to begin the process of providing a place in the higher education system for all citizens of Washington who are qualified for and desirous of earning a college degree, and to assure that the quality of those degrees are not jeopardized by inadequate funding levels.

It is the further intent of this act to modify the present enrollment lids which limit the size of the student population on the public higher education campuses in the state. This act will be the first step toward meeting the educational needs of our citizens in the 1990's. The legislature finds that the present enrollment lids at the public institutions are artificially set and that an increase in the number of full-time equivalent enrollments on the campuses can be accomplished without additional capital construction. The legislature further finds that at many of our state institutions of higher education there is the physical capacity available to accept new students, and there is also a desire among the institutions to accept new enrollments in the coming biennium. It is the intent of this act to remain sensitive to the capability and capacity of each institution to accept additional enrollments.

It is not the intent of this act to emphasize access to the detriment of quality in the educational programs of our institutions. Therefore, it is the intent of the legislature that this act be approved during the fifty-second legislative session only if the legislature fully restores the essential requirements funding level of the state's colleges and universities in the 1991-93 biennial budget. It is the further intent of the legislature that the funding formula for new enrollments under this act are based on the 1990 higher education coordinating board cost study and include both the direct and indirect costs associated with additional student enrollments.

NEW SECTION. Sec. 3. The new enrollments authorized in sections 4 through 10 of this act are additional state-funded enrollments at our state institutions of higher education above the level established for each institution during the 1989-91 biennium: PROVIDED, That should the level of funding for enrollment increases, in the omnibus appropriations act or in Senate Bill No. 5814, be insufficient to provide for the full level of enrollment increases set forth in sections 4 through 10 of this act the enrollment increases set forth in those sections shall be reduced proportionate to the actual level of funding provided in either of the aforementioned acts.

NEW SECTION. Sec. 4. Subject to the provisions of section 3 of this act, the state-funded enrollment level at the University of Washington shall be increased by three hundred twenty-eight full-time equivalent students during the 1991-92 fiscal year, plus an additional four hundred eighty-one full-time equivalent students during the 1992-93 fiscal year. The new enrollments authorized in this section are subject to the following distribution:

(1) The enrollment level at the Tacoma branch campus shall be increased by one hundred seventeen full-time equivalent upper-division and graduate enrollments during

the 1991-92 fiscal year, plus an additional one hundred ninety-nine full-time equivalent upper-division and graduate enrollments during the 1992-93 fiscal year;

(2) The enrollment level at the Bothell/Woodinville branch campus shall be increased by eighty-eight full-time equivalent upper-division and graduate enrollments during the 1991-92 fiscal year, plus an additional one hundred sixty-four full-time equivalent upper-division and graduate enrollments during the 1992-93 fiscal year;

(3) The enrollment level in the evening program shall be increased by forty full-time equivalent upper-division and graduate enrollments during the 1991-92 fiscal year, plus an additional thirty-five full-time equivalent upper-division and graduate enrollments during the 1992-93 fiscal year; and

(4) The enrollment level at the main campus shall be increased by eighty-three full-time equivalent graduate enrollments during the 1991-92 fiscal year, plus an additional eighty-three full-time equivalent graduate enrollments during the 1992-93 fiscal year.

NEW SECTION. Sec. 5. Subject to the provisions of section 3 of this act, the state-funded enrollment level at Washington State University shall be increased by two hundred fourteen full-time equivalent students during the 1991-92 fiscal year, plus an additional one hundred eighty full-time equivalent students during the 1992-93 fiscal year. The new enrollments authorized in this section are subject to the following distribution:

(1) The enrollment level at the Pullman campus shall be increased by forty-two full-time equivalent graduate enrollments during the 1991-92 fiscal year, plus an additional forty-two full-time equivalent graduate enrollments during the 1992-93 fiscal year;

(2) The enrollment level at the southwest Washington branch campus shall be increased by eighty-nine full-time equivalent upper-division and graduate enrollments during the 1991-92 fiscal year, plus an additional seventy-eight full-time equivalent upper-division and graduate enrollments during the 1992-93 fiscal year;

(3) The enrollment level at the Spokane branch campus shall be increased by forty full-time equivalent upper-division and graduate enrollments during the 1991-92 fiscal year, plus an additional twenty-seven full-time equivalent upper-division and graduate enrollments during the 1992-93 fiscal year;

(4) The enrollment level at the Tri-Cities branch campus shall be increased by forty-three full-time equivalent upper-division and graduate enrollments during the 1991-92 fiscal year, plus an additional thirty-three full-time equivalent upper-division and graduate enrollments during the 1992-93 fiscal year.

NEW SECTION. Sec. 6. Subject to the provisions of section 3 of this act, the state-funded enrollment level at Central Washington University shall be increased by two hundred twenty-one full-time equivalent upper-division and eleven full-time equivalent graduate enrollments during the 1991-92 fiscal year, plus an additional one hundred twenty-three full-time equivalent upper-division and six full-time equivalent graduate enrollments during the 1992-93 fiscal year.

NEW SECTION. Sec. 7. Subject to the provisions of section 3 of this act, the state-funded enrollment level at Eastern Washington University shall be increased by one hundred fifty-five full-time equivalent upper-division and twenty-four full-time equivalent graduate enrollments during the 1991-92 fiscal year, plus an additional one hundred forty-six full-time equivalent upper-division and twenty-three full-time equivalent graduate enrollments during the 1992-93 fiscal year.

NEW SECTION. Sec. 8. Subject to the provisions of section 3 of this act, the state-funded enrollment level at The Evergreen State College shall be increased by thirty-eight full-time equivalent upper-division and two full-time equivalent graduate enrollments during the 1991-92 fiscal year, plus an additional thirty-six full-time equivalent upper-division and two full-time equivalent graduate enrollments during the 1992-93 fiscal year.

NEW SECTION. Sec. 9. Subject to the provisions of section 3 of this act, the state-funded enrollment level at Western Washington University shall be increased by ninety-five full-time equivalent upper-division and eighty full-time equivalent graduate

enrollments during the 1991-92 fiscal year plus an additional ninety-six full-time equivalent upper-division and eighty full-time equivalent graduate enrollments during the 1992-93 fiscal year.

NEW SECTION. Sec. 10. Subject to the provisions of section 3 of this act, the state-funded enrollment in the state community college system shall be increased by one thousand nine hundred full-time equivalent enrollments during the 1991-92 fiscal year plus an additional one thousand nine hundred full-time equivalent enrollments during the 1992-93 fiscal year. These new enrollments shall be distributed throughout the system by the state board for community college education consistent with the state board's weighted prorated distribution methodology.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, through the passage of Senate Bill No. 5814 or in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 13. If the essential requirements funding level as calculated by the office of financial management for the 1991-93 biennium for each state university, regional university, state college, and the community college system, is not fully funded by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 14. If the full-time equivalent enrollments provided in this act are not funded at least at the level established for each institution and the community college system by the 1990 higher education coordinating board cost study, including both direct and indirect costs, this act shall be null and void.

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "creating new sections; providing an effective date; and declaring an emergency."

Signed by Representatives Jacobsen, Chair; Ogden, Vice Chair; Wood, Ranking Minority Member; May, Assistant Ranking Minority Member; Basich; Dellwo; Fraser; Ludwig; Miller; Prince; Sheldon; Spanel; and Van Luven.

Referred to Committee on Appropriations.

April 4, 1991

2SSB 5181 Prime Sponsor, Committee on Ways & Means: Changing provisions relating to technological and vocational education. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 15, line 15, after "requirement," strike everything down to and including "institutions" on line 18 and insert "If it is determined by the appropriate high school academic department and school district personnel that coursework in a vocational education subject satisfies a high school graduation subject requirement established by the state board of education as specified in RCW 28A.230.090, the vocational coursework shall satisfy the coursework requirement for the same subject area the higher education coordinating board or the institutions may establish as a general undergraduate admissions requirement"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Broback; Brumsickle; Cole; Dorn; Holland; P. Johnson; Jones; Neher; Orr; Phillips; Rasmussen; Roland; and H. Sommers.

Voting nay: Representative Berozoff.

Excused: Representative Valle.

Passed to Committee on Rules for second reading.

April 3, 1991

SSB 5184 Prime Sponsor, Committee on Higher Education: Creating a work force training and education coordinating board, and combining community and vocational-technical schools under one agency. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the state's system of work force training and education is inadequate for meeting the needs of the state's workers, employers, and economy. A growing shortage of skilled workers is already hurting the state's economy. There is a shortage of available workers and too often prospective employees lack the skills and training needed by employers. Moreover, with demographic changes in the state's population employers will need to employ a more culturally diverse work force in the future.

The legislature further finds that the state's current work force training and education system is fragmented among numerous agencies, councils, boards, and committees, with inadequate overall coordination. No comprehensive strategic plan guides the different parts of the system. There is no single point of leadership and responsibility. There is insufficient guidance from employers and workers built into the system to ensure that the system is responsive to the needs of its customers. Adult work force education lacks a uniform system of governance, with an inefficient division in governance between community colleges and vocational technical institutes, and inadequate local authority. The parts of the system providing adult basic skills and literacy education are especially uncoordinated and lack sufficient visibility to adequately address the needs of the large number of adults in the state who are functionally illiterate. The work force training and education system's data and evaluation methods are inconsistent and unable to provide adequate information for determining how well the system is performing on a regular basis so that the system may be held accountable for the outcomes it produces. Much of the work force training and education system provides inadequate opportunities to meet the needs of people from culturally diverse backgrounds. Finally, our educational institutions are not producing the number of people educated in vocational/technical skills needed by employers.

The legislature recognizes that we must make certain that our institutions of education place appropriate emphasis on the needs of employers and on the needs of the approximately eighty percent of our young people who enter the world of work without completing a four-year program of higher education. We must make our work force education and training system better coordinated, more efficient, more responsive to the needs of business and workers and local communities, more accountable for its performance, and more open to the needs of a culturally diverse population.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1) "Board" means the work force training and education coordinating board.

(2) "Director" means the director of the work force training and education coordinating board.

(3) "Training system" means programs and courses of secondary vocational education, technical college programs and courses, community college vocational programs and courses, adult basic education programs and courses, programs and courses funded by the job training partnership act, programs and courses funded by the federal vocational act, programs and courses funded under the federal adult education act, publicly funded programs and courses for adult literacy education, and apprenticeships, and programs and courses offered by private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training or adult literacy services.

(4) "Work force skills" means skills developed through applied learning that strengthen and reinforce an individual's academic knowledge, critical thinking, problem solving, and work ethic and, thereby, develop the employability, occupational skills, and management of home and work responsibilities necessary for economic independence.

(5) "Vocational education" means organized educational programs offering a sequence of courses which are directly related to the preparation or retraining of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. Such term also includes applied technology education.

(6) "Adult basic education" means instruction designed to achieve mastery of skills in reading, writing, oral communication, and computation at a level sufficient to allow the individual to function effectively as a parent, worker, and citizen in the United States, commensurate with that individual's actual ability level, and includes English as a second language and preparation and testing service for the general education development exam.

NEW SECTION. Sec. 3. There is hereby created the work force training and education coordinating board as a state agency and as the successor agency to the state board for vocational education. Once the coordinating board has convened, all references to the state board for vocational education in the Revised Code of Washington shall be construed to mean the work force training and education coordinating board, except that reference to the state board for vocational education in RCW 49.04.030 shall mean the state board for community and technical colleges.

NEW SECTION. Sec. 4. The purpose of the board is to provide planning, coordination, evaluation, monitoring, and policy analysis for the state training system as a whole, and advice to the governor and legislature concerning the state training system, in cooperation with the agencies which comprise the state training system, and the higher education coordinating board.

NEW SECTION. Sec. 5. (1) The board shall consist of nine voting members appointed by the governor with the consent of the senate, as follows: Three representatives of business, three representatives of labor, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community and technical colleges, and the commissioner of the employment security department. The chair of the board shall be a nonvoting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role that the state's training system has in meeting

those needs. Each voting member of the board may appoint a designee to function in his or her place with the right to vote. In making appointments to the board, the governor shall seek to ensure geographic diversity and balance.

(2) The business representatives shall be selected from among nominations provided by state-wide business organizations. The nominations shall reflect the cultural diversity of the state, including women and racial and ethnic minorities, and diversity in sizes of businesses.

(3) The labor representatives shall be selected from among nominations provided by state-wide labor organizations. The nominations shall reflect the cultural diversity of the state, including women and racial and ethnic minorities.

(4) Each business member may cast a proxy vote or votes for any business member who is not present and who authorizes in writing the present member to cast such vote.

(5) Each labor member may cast a proxy vote for any labor member who is not present and who authorizes in writing the present member to cast such vote.

(6) The chair shall appoint to the board one nonvoting member to represent racial and ethnic minorities, women, and people with disabilities. The nonvoting member appointed by the chair shall serve for a term of four years with the term expiring on June 30th of the fourth year of the term.

(7) The business members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(8) The labor members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(9) Any vacancies among board members representing business or labor shall be filled by the governor with nominations provided by state-wide organizations representing business or labor, respectively.

(10) The board shall adopt bylaws and shall meet at least bimonthly and at such other times as determined by the chair who shall give reasonable prior notice to the members or at the request of a majority of the voting members.

(11) Members of the board shall be compensated in accordance with RCW 43.03.040 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(12) The board shall be formed and ready to assume its responsibilities under this chapter by October 1, 1991.

(13) The board shall appoint a director who shall hold office at the pleasure of the board.

NEW SECTION. Sec. 6. (1) The director shall serve as chief executive officer of the board who shall administer the provisions of this chapter, employ such personnel as may be necessary to implement the purposes of this chapter, and utilize staff of existing operating agencies to the fullest extent possible.

(2) The director shall not be the chair of the board.

(3) Subject to the approval of the board, the director shall appoint necessary deputy and assistant directors and other staff who shall be exempt from the provisions of chapter 41.06 RCW. The director's appointees shall serve at the director's pleasure on such terms and conditions as the director determines but subject to the code of ethics contained in chapter 42.18 RCW.

(4) The director shall appoint and employ such other employees as may be required for the proper discharge of the functions of the board.

(5) The director shall, as permissible under P.L. 101-392, as amended, integrate the staff of the council on vocational education, and contract with the state board for

community and technical colleges for assistance for adult basic skills and literacy policy development and planning as required by P.L. 100-297, as amended.

NEW SECTION. Sec. 7. (1) The board shall be designated as the state board of vocational education as provided for in P.L. 98-524, as amended, and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law.

(2) The board shall monitor for consistency with the state comprehensive plan for work force training and education the policies and plans established by the state job training coordinating council, the advisory council on adult education, and the Washington state plan for adult basic education, and provide guidance for making such policies and plans consistent with the state comprehensive plan for work force training and education.

NEW SECTION. Sec. 8. The board, in cooperation with the operating agencies of the state training system shall:

(1) Concentrate its major efforts on planning, coordination evaluation, policy analysis, and recommending improvements to the state's training system.

(2) Advocate for the state training system and for meeting the needs of employers and the work force for work force education and training.

(3) Establish and maintain an inventory of the programs of the state training system, and related state programs, and perform a biennial assessment of the vocational education, training, and adult basic education and literacy needs of the state; identify ongoing and strategic education needs; and assess the extent to which employment, training, vocational and basic education, rehabilitation services, and public assistance services represent a consistent, integrated approach to meet such needs.

(4) Develop and maintain a state comprehensive plan for work force training and education, including but not limited to, goals, objectives, and priorities for the state training system, and review the state training system for consistency with the state comprehensive plan. In developing the state comprehensive plan for work force training and education, the board shall use, but shall not be limited to: Economic, labor market, and populations trends reports in office of financial management forecasts; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome, net-impact and cost-benefit evaluations; the needs of employers as evidenced in formal employer surveys and other employer input; and the needs of program participants and workers as evidenced in formal surveys and other input from program participants and the labor community.

(5) In consultation with the higher education coordinating board, review and make recommendations to the office of financial management and the legislature on operating and capital facilities budget requests for operating agencies of the state training system for purposes of consistency with the state comprehensive plan for work force training and education.

(6) Provide for coordination among the different operating agencies of the state training system at the state level and at the regional level.

(7) Develop a consistent and reliable data base on vocational education enrollments, costs, program activities, and job placements from publicly funded vocational education programs in this state.

(8) Establish standards for data collection and maintenance for the operating agencies of the state training system in a format that is accessible to use by the board. The board shall require a minimum of common core data to be collected by each operating agency of the state training system.

The board shall develop requirements for minimum common core data in consultation with the office of financial management and the operating agencies of the training system.

(9) Establish minimum standards for program evaluation for the operating agencies of the state training system, including, but not limited to, the use of common survey instruments and procedures for measuring perceptions of program participants and employers of program participants, and monitor such program evaluation.

(10) Every two years administer scientifically based outcome evaluations of the state training system, including, but not limited to, surveys of program participants, surveys of employers of program participants, and matches with employment security department payroll and wage files. Every five years administer scientifically based net-impact and cost-benefit evaluations of the state training system.

(11) In cooperation with the employment security department, provide for the improvement and maintenance of quality and utility in occupational information and forecasts for use in training system planning and evaluation. Improvements shall include, but not be limited to, development of state-based occupational change factors involving input by employers and employees, and delineation of skill and training requirements by education level associated with current and forecasted occupations.

(12) Provide for the development of common course description formats, common reporting requirements, and common definitions for operating agencies of the training system.

(13) Provide for effectiveness and efficiency reviews of the state training system.

(14) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between institutions of the state training system, and encourage articulation agreements for programs encompassing two years of secondary work force education and two years of postsecondary work force education.

(15) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between private training institutions and institutions of the state training system.

(16) Participate in the development of coordination criteria for activities under the job training partnership act with related programs and services provided by state and local education and training agencies.

(17) Make recommendations to the commission of student assessment, the state board of education, and the superintendent of public instruction, concerning basic skill competencies and essential core competencies for K-12 education. Basic skills for this purpose shall be reading, writing, computation, speaking, and critical thinking, essential core competencies for this purpose shall be English, math, science/technology, history, geography, and critical thinking. The board shall monitor the development of and provide advice concerning secondary curriculum which integrates vocational and academic education.

(18) Establish and administer programs for marketing and outreach to businesses and potential program participants.

(19) Facilitate the location of support services, including but not limited to, child care, financial aid, career counseling, and job placement services, for students and trainees at institutions in the state training system, and advocate for support services for trainees and students in the state training system.

(20) Facilitate private sector assistance for the state training system, including but not limited to: Financial assistance, rotation of private and public personnel, and vocational counseling.

(21) Facilitate programs for school-to-work transition that combine classroom education and on-the-job training in industries and occupations without a significant number of apprenticeship programs.

(22) Encourage and assess progress for the equitable representation of racial and ethnic minorities, women, and people with disabilities among the students, teachers, and administrators of the state training system. Equitable, for this purpose, shall mean substantially proportional to their percentage of the state population in the geographic area

served. This function of the board shall in no way lessen more stringent state or federal requirements for representation of racial and ethnic minorities, women, and people with disabilities.

(23) Participate in the planning and policy development of governor set-aside grants under P.L. 97-300, as amended.

(24) Administer veterans' programs, licensure of private vocational schools, the job skills program, and the Washington award for vocational excellence.

(25) Allocate funding from the state job training trust fund.

(26) Adopt rules as necessary to implement this chapter.

The board may delegate to the director any of the functions of this section.

NEW SECTION. Sec. 9. The state board for vocational education is hereby abolished and its powers, duties, and functions are hereby transferred to the work force training and education coordinating board. All references to the director or the state board for vocational education in the Revised Code of Washington shall be construed to mean the director or the work force training and education coordinating board.

NEW SECTION. Sec. 10. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state board for vocational education shall be delivered to the custody of the work force training and education coordinating board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the state board for vocational education shall be made available to the work force training and education coordinating board. All funds, credits, or other assets held by the state board for vocational education shall be assigned to the work force training and education coordinating board.

Any appropriations made to the state board for vocational education shall, on the effective date of this section, be transferred and credited to the work force training and education coordinating board.

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

NEW SECTION. Sec. 11. All employees of the state board for vocational education who are classified under chapter 41.06 RCW, the state civil service law, are assigned to the work force training and education coordinating board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 12. All rules and all pending business before the state board for vocational education shall be continued and acted upon by the work force training and education coordinating board. All existing contracts and obligations shall remain in full force and shall be performed by the work force training and education coordinating board.

NEW SECTION. Sec. 13. The transfer of the powers, duties, functions, and personnel of the state board for vocational education shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 14. If apportionments of budgeted funds are required because of the transfers directed by sections 10 through 13 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 15. Nothing contained in sections 9 through 14 of this act may be construed to alter any existing collective bargaining unit or the provisions of any

existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 16. (1) There is hereby created the Washington state job training coordinating council for so long as a state council is required by federal law or regulation as a condition for receipt of federal funds. The council shall perform all duties of state job training coordinating council as specified in the federal job training partnership act, P.L. 97-300, as amended, including the preparation of a coordination and special services plan for a two-year period, consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board as provided for in section 8 of this act.

(2) The work force training and education coordinating board shall monitor the need for the council as described in subsection (1) of this section, and, if that need no longer exists, propose legislation to terminate the council.

NEW SECTION. Sec. 17. (1) Current members of the Washington state job training coordinating council appointed pursuant to P.L. 97-300, as amended, shall serve as the state council for purposes of this chapter until new appointments are made consistent with this section.

(2) New appointments to the state council shall be made by July 1, 1991. Members of the Washington state job training council shall be appointed by the governor as required by federal law and shall be representative of the population of the state with regard to sex, race, ethnic background, and geographical distribution. To the maximum extent feasible, the governor shall give consideration to providing overlapping membership with the membership of the work force training and education coordinating board. One voting member of the council shall be a representative of the administrators for the service delivery areas established under P.L. 97-300. One voting member of the council shall be a representative of the private industry councils established under P.L. 97-300.

(3) The Washington state job training coordinating council shall provide staff and allocate funds to the work force training and education coordinating board, as appropriate, to carry out the overlapping functions of the two bodies.

NEW SECTION. Sec. 18. (1) There is hereby created the Washington state council on vocational education for so long as a state council is required by federal law or regulation as a condition for receipt of federal funds. The council on vocational education shall perform all duties of councils on vocational education as specified in P.L. 101-392, as amended.

(2) The work force training and education coordinating board shall monitor the need for the council as described in subsection (1) of this section, and, if that need no longer exists, propose legislation to terminate the council.

NEW SECTION. Sec. 19. Current members of the Washington state council on vocational education appointed pursuant to P.L. 98-524, as amended, shall serve as the state council on vocational education for purposes of this chapter until new appointments are made consistent with this section. New appointments to the state council on vocational education shall be made by July 1, 1991. The council on vocational education shall consist of thirteen members appointed by the governor consistent with the provisions of P.L. 101-392, as amended. In making these appointments, to the maximum extent feasible, the governor shall give consideration to providing overlapping membership with the membership of the state job training coordinating council.

NEW SECTION. Sec. 20. The council on vocational education shall perform its functions consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board as provided for in section 8 of this act.

NEW SECTION. Sec. 21. (1) There is hereby created the Washington advisory council on adult education. The advisory council shall advise the state board for

community and technical colleges and the work force training and education coordinating board concerning adult basic education and literacy programs. The advisory council shall perform all duties of state advisory councils on adult education as specified in P.L. 100-297, as amended. The advisory council's actions shall be consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board as provided for in section 8 of this act.

(2) The advisory council on adult education shall consist of nine members as required by federal law, appointed by the governor. In making these appointments, to the maximum extent feasible, the governor shall give consideration to providing overlapping membership with the membership of the state job training coordinating council, and the governor shall give consideration to individuals with expertise and experience in adult basic education.

(3) The work force training and education coordinating board shall monitor the need for the council as described in subsection (1) of this section, and, if that need no longer exists, propose legislation to terminate the council.

Sec. 22. RCW 28B.50.010 and 1969 ex.s. c 223 s 28B.50.010 are each amended to read as follows:

This chapter shall be known as and may be cited as the community and technical college act of ((1967)) 1991.

Sec. 23. RCW 28B.50.020 and 1969 ex.s. c 261 s 17 are each amended to read as follows:

The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational education and training, or for adult basic skills and literacy education, by creating a new, independent system of community and technical colleges which will:

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

(2) Ensure that each ~~((community))~~ college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining ~~((, with equal emphasis,))~~ high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and work force literacy programs and services. However, college districts containing only technical colleges shall maintain programs solely for occupational education, basic skills, and literacy purposes, and, for as long as a need exists, may continue those programs, activities, and services offered by the technical colleges during the twelve-month period preceding the effective date of this section;

(3) Provide for basic skills and literacy education, and occupational education and technical training at technical colleges in order to prepare students for careers in a competitive work force;

(4) Provide or coordinate related and supplemental instruction for apprentices at community and technical colleges;

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

~~((4))~~ (6) Allow for the growth, improvement, flexibility and modification of the community colleges and their education, training and service programs as future needs occur; and

~~((5))~~ (7) Establish firmly that community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our

state's higher education system, separate from both the common school system and other institutions of higher learning, and never to be considered for conversion into four-year liberal arts colleges.

Sec. 24. RCW 28B.50.030 and 1985 c 461 s 14 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community and technical colleges, which shall be a system of higher education((;)).

(2) "Board" shall mean the work force training and education coordinating board.

(3) "College board" shall mean the state board for community and technical colleges (~~(education)~~) created by this chapter((;)).

((3)) (4) "Director" shall mean the administrative director for the state system of community and technical colleges((;)).

((4)) (5) "District" shall mean any one of the community and technical college districts created by this chapter((;)).

((5)) (6) "Board of trustees" shall mean the local community and technical college board of trustees established for each ~~((community))~~ college district within the state((;)).

((6)) "~~Council shall mean the coordinating council for occupational education;~~"

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree((;)).

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade((;)).

(9) "Common school board" shall mean a public school district board of directors((;)).

(10) "Community college" shall include ~~((where applicable, vocational technical and adult)) those higher education institutions that conduct education programs ((conducted by community colleges and vocational technical institutes whose major emphasis is in post high school education;))~~ under RCW 28B.50.020.

(11) "Technical college" shall include those higher education institutions with the sole mission of conducting occupational education, basic skills, literacy programs, and offering on short notice, when appropriate, programs that meet specific industry needs. The programs of technical colleges shall include, but not be limited to, continuous enrollment, competency-based instruction, industry-experienced faculty, curriculum integrating vocational and basic skills education, and curriculum approved by representatives of employers and labor. For purposes of this chapter, technical colleges shall include Lake Washington Vocational-Technical Institute, Renton Vocational-Technical Institute, Bates Vocational-Technical Institute, Clover Park Vocational Institute, and Bellingham Vocational-Technical Institute.

(12) "Adult education" shall mean all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate(~~(= PROVIDED, That)~~). However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate(~~(= PROVIDED, FURTHER, That)~~), nor shall "adult education" (~~(shall not)~~) include education or instruction provided by any four year public institution of higher education(~~(= AND PROVIDED FURTHER, That adult education shall not include education or instruction provided by a vocational technical institute)~~).

Sec. 25. RCW 28B.50.040 and 1988 c 77 s 1 are each amended to read as follows:

The state of Washington is hereby divided into ~~((twenty four community))~~ twenty-seven college districts as follows:

(1) The first district shall encompass the counties of Clallam and Jefferson;
 (2) The second district shall encompass the counties of Grays Harbor and Pacific;
 (3) The third district shall encompass the counties of Kitsap and Mason;
 (4) The fourth district shall encompass the counties of San Juan, Skagit and Island;
 (5) The fifth district shall encompass Snohomish county except for the Northshore common school district and that portion encompassed by the twenty-third district created in subsection (23) of this section: PROVIDED, That the fifth district shall encompass the Everett Community College;

(6) The sixth district shall encompass the present boundaries of the common school districts of Seattle and Vashon Island, King county;

(7) The seventh district shall encompass the present boundaries of the common school districts of Shoreline in King county and Northshore in King and Snohomish counties;

(8) The eighth district shall encompass the present boundaries of the common school districts of Lake Washington, Bellevue, Issaquah, Lower Snoqualmie, Mercer Island, Skykomish and Snoqualmie, King county;

(9) The ninth district shall encompass the present boundaries of the common school districts of Federal Way, Highline and South Central, King county;

(10) The tenth district shall encompass the present boundaries of the common school districts of Auburn, Black Diamond, Renton, Enumclaw, Kent, Lester and Tahoma, King county, and the King county portion of Puyallup common school district No. 3;

(11) The eleventh district shall encompass all of Pierce county, except for the present boundaries of the common school districts of Tacoma and Peninsula;

(12) The twelfth district shall encompass Lewis county, the Rochester common school district No. 401, the Tenino common school district No. 402 of Thurston county, and the Thurston county portion of the Centralia common school district No. 401;

(13) The thirteenth district shall encompass the counties of Cowlitz, and Wahkiakum;

(14) The fourteenth district shall encompass the counties of Clark, Skamania and that portion of Klickitat county not included in the sixteenth district;

(15) The fifteenth district shall encompass the counties of Chelan, Douglas and Okanogan;

(16) The sixteenth district shall encompass the counties of Kittitas, Yakima, and that portion of Klickitat county included in United States census divisions 1 through 4;

(17) The seventeenth district shall encompass the counties of Ferry, Lincoln (except consolidated school district 105-157-166J and the Lincoln county portion of common school district 167-202), Pend Oreille, Spokane, Stevens and Whitman;

(18) The eighteenth district shall encompass the counties of Adams and Grant, and that portion of Lincoln county comprising consolidated school district 105-157-166J and common school district 167-202;

(19) The nineteenth district shall encompass the counties of Benton and Franklin;

(20) The twentieth district shall encompass the counties of Asotin, Columbia, Garfield and Walla;

(21) The twenty-first district shall encompass Whatcom county;

(22) The twenty-second district shall encompass the present boundaries of the common school districts of Tacoma and Peninsula, Pierce county;

(23) The twenty-third district shall encompass that portion of Snohomish county within such boundaries as the state board for community and technical colleges ((education)) shall determine: PROVIDED, That the twenty-third district shall encompass the Edmonds Community College; ((and))

(24) The twenty-fourth district shall encompass all of Thurston county except the Rochester common school district No. 401, the Tenino common school district No. 402, and the Thurston county portion of the Centralia common school district No. 401;

(25) The twenty-fifth district shall encompass all of Whatcom county;

(26) The twenty-sixth district shall encompass the Northshore, Lake Washington, Bellevue, Mercer Island, Issaquah, Riverview, Snoqualmie Valley and Skykomish school districts; and

(27) The twenty-seventh district shall encompass the Renton, Kent, Auburn, Tahoma, and Enumclaw school districts and a portion of the Seattle school district described as follows: Commencing at a point established by the intersection of the Duwamish river and the south boundary of the Seattle Community College District (number six) and thence north along the centerline of the Duwamish river to the west waterway; thence north along the centerline of the west waterway to Elliot Bay; thence along Elliot Bay to a line established by the intersection of the extension of Denny Way to Elliot Bay; thence east along the line established by the centerline of Denny Way to Lake Washington; thence south along the shoreline of Lake Washington to the south line of the Seattle Community College District; and thence west along the south line of the Seattle Community College District to the point of beginning.

NEW SECTION. Sec. 26. There is hereby created a board of trustees for district twenty-six and Lake Washington Vocational-Technical Institute, hereafter known as Lake Washington Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100.

NEW SECTION. Sec. 27. There is hereby created a board of trustees for district twenty-seven and Renton Vocational-Technical Institute, hereafter known as Renton Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100.

NEW SECTION. Sec. 28. There is hereby created a board of trustees for district twenty-five and Whatcom Vocational-Technical Institute, hereafter known as Whatcom Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100.

NEW SECTION. Sec. 29. There is hereby created a new board of trustees for district twenty-two. The board shall govern Tacoma Community College and Bates Vocational-Technical Institute, hereafter known as Bates Technical College.

(1) The board shall consist of seven members appointed by the governor with the consent of the senate, as follows: Two members shall represent business, two members shall represent labor, and three members shall represent the community served by the district. Nominations to the board shall reflect the cultural diversity of the county, including women and racial and ethnic minorities.

(2) The members representing business shall be selected from among nominations provided by business organizations within Pierce county. The members representing labor shall be selected from nominations provided by labor organizations in Pierce county.

(3) When appointing the initial members representing labor and business, to the maximum extent feasible, the governor shall select persons who are serving on an advisory committee to Bates Vocational-Technical Institute on the effective date of this section.

(4) When appointing the initial members representing the community, to the maximum extent feasible, the governor shall select persons who are currently serving on the board of trustees of Tacoma Community College.

(5) The presidents of Bates Technical College and Tacoma Community College shall each report to the board.

(6) Once the seven member board provided in this section is selected and convened, the board of trustees of Tacoma Community College shall be dissolved.

NEW SECTION. Sec. 30. There is hereby created a new board of trustees for district eleven. The board shall govern Pierce College and Clover Park Vocational-Technical Institute, hereafter known as Clover Park Technical College.

(1) The board shall consist of seven members appointed by the governor with the consent of the senate, as follows: Two members shall represent business, two members shall represent labor, and three members shall represent the community served by the district. Nominations to the board shall reflect the cultural diversity of the county, including women and racial and ethnic minorities.

(2) The members representing business shall be selected from among nominations provided by business organizations within Pierce county. The members representing labor shall be selected from nominations provided by labor organizations in Pierce county.

(3) When appointing the initial members representing labor and business, to the maximum extent feasible, the governor shall select persons who are serving on an advisory committee to Clover Park Vocational-Technical Institute on the effective date of this section.

(4) When appointing the initial members representing the community, to the maximum extent feasible, the governor shall select persons who are currently serving on the board of trustees of Pierce College.

(5) The presidents of Clover Park Technical College and Pierce College shall each report to the board.

(6) Once the seven member board provided in this section is selected and convened, the board of trustees of Pierce College shall be dissolved.

NEW SECTION. Sec. 31. By December 1, 1996, the state board shall complete a report evaluating successes and difficulties associated with the merger of the technical and community colleges into one system. The evaluation shall include but need not be limited to consideration of all local governance models for technical colleges. The state board shall provide the report, and any recommendations, including recommendations for revisions to local governance models, to the governor, the house and senate committees on higher education, and the work force training and education coordinating board.

Sec. 32. RCW 28B.50.050 and 1988 c 76 s 1 are each amended to read as follows:

There is hereby created the "state board for community (~~college education~~) and technical colleges", to consist of (~~eight~~) nine members (~~(, one from each congressional district, as now or hereafter existing)~~) who represent the geographic diversity of the state, and who shall be appointed by the governor, with the consent of the senate. At least two members shall reside east of the Cascade mountains. In making these appointments, the governor shall attempt to provide geographic balance and give consideration to representing labor, business, women, and racial and ethnic minorities, among the membership of the board. At least one member of the board shall be from business and at least one member of the board shall be from labor. The current members of the state board for community college education on the effective date of this section shall serve on the state board for community and technical colleges until their terms expire. Successors to these members shall be appointed according to the terms of this section. A ninth member shall be appointed by the effective date of this section for a complete term.

The successors of the members initially appointed shall be appointed for terms of four years except that (~~any~~) a person(~~s~~) appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his or her successor. All members shall be citizens and bona fide residents of the state.

~~((The board shall not be deemed unlawfully constituted and a member of the board shall not be deemed ineligible to serve the remainder of the member's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts.))~~

Members of the college board shall be compensated in accordance with RCW 43.03.240 and shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 for each day actually spent in attending to the duties as a member of the college board.

The members of the college board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, in the manner provided by RCW 28B.10.500.

Sec. 33. RCW 28B.50.060 and 1975-'76 2nd ex.s. c 34 s 75 are each amended to read as follows:

A director of the state system of community and technical colleges shall be appointed by the college board and shall serve at the pleasure of the college board. ~~((He))~~ The director shall be appointed with due regard to ~~((his))~~ the applicant's fitness and background in education, ~~((by his))~~ and knowledge of and recent practical experience in the field of educational administration particularly in institutions beyond the high school level. The college board may also take into consideration an applicant's proven management background even though not particularly in the field of education.

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

~~((He))~~ The director shall receive a salary to be fixed by the college board and shall be reimbursed for travel expenses incurred ~~((by him))~~ in the discharge of his or her official duties in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

~~((He))~~ The director shall be the executive officer of the college board and serve as its secretary and under its supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state. ~~((He))~~ The director shall attend, but not vote at, all meetings of the college board. ~~((He))~~ The director shall be in charge of offices of the college board and responsible to the college board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community and technical colleges. At the direction of the college board, ~~((he))~~ the director shall, together with the chairman of the college board, execute all contracts entered into by the college board.

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

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

Sec. 34. RCW 28B.50.085 and 1981 c 246 s 4 are each amended to read as follows:

The state board for community and technical colleges ~~((education))~~ shall appoint a treasurer who shall be the financial officer of the board, who shall make such vendor payments and salary payments for the entire community and technical college system as authorized by the state board, and who shall hold office during the pleasure of the board. All moneys received by the state board and not required to be deposited elsewhere, shall be deposited in a depository selected by the board, which moneys shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the state board shall conform to the collateral requirements required for the deposit of other state funds. Disbursement shall be made by check signed by the treasurer. The treasurer shall render a true and faithful account of all moneys received and paid out by him or her and shall give bond for the faithful performance of the duties of

his or her office in such amount as the board requires: PROVIDED, That the board shall pay the fee for any such bonds.

Sec. 35. RCW 28B.50.090 and 1982 c 50 s 1 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community and technical colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the (~~community college~~) boards of trustees, prepare a single budget for the support of the state system of community and technical colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090(~~(; the coordinating council shall assist with the preparation of the community college budget that has to do with vocational education programs);~~);

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the (~~community~~) college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

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

(a) That each (~~community~~) college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining(~~(-with equal emphasis,-)~~) high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education(~~(; PROVIDED, That notwithstanding any other provisions of this chapter, a community college shall not be required to offer a program of vocational technical training, when such a program as approved by the coordinating council for occupational education is already operating in the district)~~), including basic skills and general, family, and work force literacy programs and services. However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding the effective date of this section;

(b) That each (~~community~~) college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of (~~his~~) the student's residence or because of (~~his~~) the student's educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community or technical college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, (~~he~~) the student would not be competent to profit from the curriculum offerings of the (~~community~~) college, or would, by his or her presence or conduct, create a disruptive atmosphere within the (~~community~~) college not consistent with the purposes of the institution. This subsection (b) shall not apply to competency, conduct, or presence associated with a disability in a person twenty-one years of age or younger attending a technical college;

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

(5) Define and administer criteria and guidelines for the establishment of new community and technical colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community and technical colleges with respect to:

(a) Qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

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

(c) The content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the colleges,

(d) Standard admission policies,

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

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various ((community)) college districts;

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

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

(11) Authorize the various community and technical colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community and technical college real and personal property, except such property as is received by a ((community)) college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community and technical college system;

(13) In order that the treasurer for the state board for community and technical colleges ((education)) appointed in accordance with RCW 28B.50.085 may make vendor payments, the state treasurer will honor warrants drawn by the state board providing for an initial advance on July 1, 1982, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the state board for community and technical colleges ((education)) as certified by the office of financial management; and at the conclusion of such initial month and for each succeeding month of any biennium, the state treasurer will reimburse expenditures incurred and reported monthly by the state board treasurer in accordance with chapter 43.88 RCW: PROVIDED, That the reimbursement to the state board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

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

(15) The college board shall have the power of eminent domain;

(16) Provide general supervision over the state's technical colleges. The president of each technical college shall report directly to the director of the state board for community and technical colleges, or the director's designee, until local control is assumed by a new or existing board of trustees as appropriate, except that a college president shall have authority over program decisions of his or her college until the establishment of a board of trustees for that college. The directors of the vocational-technical institutes on March 1, 1991, shall be designated as the presidents of the new technical colleges.

Sec. 36. RCW 28B.50.092 and 1977 ex.s. c 131 s 1 are each amended to read as follows:

The state board for community and technical colleges (~~(education)~~) may authorize any (~~(community college)~~) board of trustees to do all things necessary to conduct an education, training, and service program authorized by chapter 28B.50 RCW, as now or hereafter amended, for United States military personnel and their dependents, and department of defense civilians and their dependents, at any geographical location: PROVIDED, That such programs shall be limited to those colleges which conducted programs for United States military personnel prior to January 1, 1977: PROVIDED FURTHER, That any high school completion program conducted pursuant to this section shall comply with standards set forth in rules and regulations promulgated by the superintendent of public instruction and the state board of education: AND PROVIDED FURTHER, That the superintendent of public instruction shall issue the certificate or diploma in recognition of high school completion education provided pursuant to this section.

Sec. 37. RCW 28B.50.093 and 1973 c 105 s 2 are each amended to read as follows:

Prior to the state board granting authorization for any programs authorized under RCW 28B.50.092, the state board shall determine that such authorization will not deter from the primary functions of the community and technical college system within the state of Washington as prescribed by chapter 28B.50 RCW.

Sec. 38. RCW 28B.50.095 and 1983 c 3 s 40 are each amended to read as follows:

In addition to other powers and duties, the college board may issue rules and regulations permitting a student to register at more than one community and technical college, provided that such student shall pay tuition and fees as if (~~(he)~~) the student were registered at a single college, but not to exceed tuition and fees charged a full-time student as established by RCW 28B.15.502.

Sec. 39. RCW 28B.50.100 and 1987 c 330 s 1001 are each amended to read as follows:

There is hereby created a (~~(community college)~~) board of trustees for each (~~(community)~~) college district as set forth in this chapter. With the exception of districts eleven and twenty-two that shall each have a board of trustees composed of seven members, each (~~(community college)~~) board of trustees shall be composed of five trustees, who shall be appointed by the governor for terms commencing October 1st of the year in which appointed. In making such appointments the governor shall give consideration to geographical (~~(exigencies, and the interests of labor, industry, agriculture, the professions and ethnic groups)~~) diversity, and representing labor, business, women, and racial and ethnic minorities, in the membership of the boards of trustees. The boards of trustees for districts containing technical colleges shall include at least one member from business and one member from labor.

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

Every trustee shall be a resident and qualified elector of the ~~((community))~~ college district. No trustee may be an employee of the community and technical college system, a member of the board of directors of any school district, or a member of the governing board of any public or private educational institution.

Each board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president, or if there be none, the president of the ~~((community))~~ college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

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

Sec. 40. RCW 28B.50.130 and 1977 c 75 s 27 are each amended to read as follows:

Within thirty days of their appointment ~~((or July 1, 1967, whichever is sooner,))~~ the various district boards of trustees shall organize, adopt bylaws for its own government, and make such rules and regulations not inconsistent with this chapter as they deem necessary. At such organizational meeting it shall elect from among its members a ~~((chairman and a vice chairman))~~ chair and vice-chair, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed or qualified. The chief executive officer of the ~~((community))~~ college district, or ~~((his))~~ designee, shall serve as secretary of the board. Three trustees shall constitute a quorum, and no action shall be taken by less than a majority of the trustees of the board. The district boards shall transmit such reports to the college board as may be requested by the college board. The fiscal year of the district boards shall conform to the fiscal year of the state.

Sec. 41. RCW 28B.50.140 and 1990 c 135 s 1 are each amended to read as follows:

Each ~~((community college))~~ board of trustees:

(1) Shall operate all existing community and technical colleges ~~((and vocational-technical institutes))~~ in its district;

(2) Shall create comprehensive programs of community and technical college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3). However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding the effective date of this section;

(3) Shall employ for a period to be fixed by the board a college president for each community and technical college ~~((district,))~~ and ~~((where applicable community college)),~~ with the exception of districts eleven and twenty-two, the board may appoint a president ~~((s-within))~~ for the district, and fix their duties and compensation, which may include elements other than salary. Compensation under this subsection shall not affect but may supplement retirement, health care, and other benefits that are otherwise applicable to the presidents as state employees. The board shall also employ for a period to be fixed by the board members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. Compensation and salary increases under this subsection shall not exceed the amount or percentage established for those purposes in the state appropriations act by the legislature as allocated to the board of trustees by the state board for community and technical colleges ~~((education))~~. The state board for community and technical colleges

((education)) shall adopt rules defining the permissible elements of compensation under this subsection;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand. However, the authority of ((community college)) boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(5);

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community and technical college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community and technical college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community and technical college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community and technical college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the ((community college)) district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community and technical college or colleges under its control, and publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate. Technical colleges shall offer only nonbaccalaureate technical degrees, certificates, or diplomas for occupational courses of study under rules of the college board;

(13) Shall enforce the rules and regulations prescribed by the state board for community and technical colleges ((education)) for the government of community and technical colleges, students and teachers, and promulgate such rules and regulations and

perform all other acts not inconsistent with law or rules and regulations of the state board for community and technical colleges (~~(education)~~) as the board of trustees may in its discretion deem necessary or appropriate to the administration of (~~(community)~~) college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community and technical college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community and technical colleges students who refuse to obey any of the duly promulgated rules and regulations;

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

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

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community and technical colleges (~~(education)~~): PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services including any salary increases authorized by the legislature for community and technical college employees during the term of the agreement: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes;

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

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

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

(20) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

Sec. 42. RCW 28B.50.142 and 1977 ex.s. c 331 s 1 are each amended to read as follows:

Each board of (~~(community college)~~) trustees shall appoint a treasurer who shall be the financial officer of the board and who shall hold office during the pleasure of the board. Each treasurer shall render a true and faithful account of all moneys received and paid out by him or her, comply with the provisions of RCW 28B.50.143, and shall give bond for the faithful performance of the duties of his or her office in such amount as the trustees require: PROVIDED, That the respective community and technical colleges shall pay the fees for any such bonds.

Sec. 43. RCW 28B.50.143 and 1985 c 180 s 1 are each amended to read as follows:

In order that each ~~((community))~~ college treasurer appointed in accordance with RCW 28B.50.142 may make vendor payments, the state treasurer will honor warrants drawn by each community and technical college providing for one initial advance ~~((on September 1, 1977, of the current biennium and))~~ on July 1 of each succeeding biennium from the state general fund in an amount equal to seventeen percent of each institution's average monthly allotment for such budgeted biennium expenditures as certified by the office of financial management, and at the conclusion of each such initial month, and for each succeeding month of any biennium, the state treasurer will reimburse each institution for each expenditure incurred and reported monthly by each ~~((community))~~ college treasurer in accordance with chapter 43.83 RCW: PROVIDED, That the reimbursement to each institution for actual expenditures incurred in the final month of each biennium shall be less the initial advance.

Sec. 44. RCW 28B.50.145 and 1969 ex.s. c 283 s 51 are each amended to read as follows:

The boards of trustees of the various ~~((community))~~ college districts ~~((are hereby directed to))~~ may create ~~((no later than January 1, 1970))~~ at each community or technical college ~~((or vocational technical institute))~~ under their control a faculty senate or similar organization to be selected by periodic vote of the respective faculties thereof.

Sec. 45. RCW 28B.50.150 and 1969 ex.s. c 223 s 28B.50.150 are each amended to read as follows:

Any resident of the state may enroll in any program or course maintained or conducted by a ~~((community))~~ college district upon the same terms and conditions regardless of the district of his or her residence.

Sec. 46. RCW 28B.50.205 and 1988 c 206 s 502 are each amended to read as follows:

The state board for community and technical colleges ~~((education))~~ shall make information available to all newly matriculated students on methods of transmission of the human immunodeficiency virus and prevention of acquired immunodeficiency syndrome. The curricula and materials shall be reviewed for medical accuracy by the office on AIDS in coordination with the appropriate regional AIDS service network.

Sec. 47. RCW 28B.50.242 and 1990 c 208 s 10 are each amended to read as follows:

The state board for community and technical colleges ~~((education))~~ shall provide state-wide coordination of video telecommunications programming for the community and technical college system.

Sec. 48. RCW 28B.50.250 and 1969 ex.s. c 261 s 25 are each amended to read as follows:

The state board for community and technical colleges ~~((education))~~ and the state board of education are hereby authorized to permit, on an ad hoc basis, the common school districts to conduct pursuant to RCW 28B.50.530 a program in adult education in behalf of a ~~((community))~~ college district when such program will not conflict with existing programs of the same nature and in the same geographical area conducted by the ~~((community))~~ college districts: PROVIDED, That federal programs for adult education ~~((which are funded directly to the state board of education))~~ shall be administered by the ~~((superintendent of public instruction in cooperation with the director of the))~~ state board for community and technical colleges ~~((education))~~, which agency is hereby declared to be the state educational agency primarily responsible for supervision of adult education in the public schools as defined by RCW 28B.50.020.

Sec. 49. RCW 28B.50.320 and 1971 ex.s. c 279 s 17 are each amended to read as follows:

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

Disbursement shall be made by check signed by the president of the ((community)) college or ((his)) the president's designee appointed in writing, and such other person as may be designated by the board of trustees of the ((community)) college district. Each person authorized to sign as provided above, shall execute a surety bond as provided in RCW 43.17.100. Said bond or bonds shall be filed in the office of the secretary of state.

Sec. 50. RCW 28B.50.330 and 1979 ex.s. c 12 s 2 are each amended to read as follows:

The boards of trustees of ((community)) college districts are empowered in accordance with the provisions of this chapter to provide for the construction, reconstruction, erection, equipping, demolition, and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances for the use of the aforementioned colleges as authorized by the college board in accordance with RCW 28B.50.140; to be financed by bonds payable out of special funds from revenues hereafter derived from income received from such facilities, gifts, bequests, or grants, and such additional funds as the legislature may provide, and payable out of a bond retirement fund to be established by the respective district boards in accordance with rules and regulations of the state board. With respect to building, improvements, or repairs, or other work, where the estimated cost exceeds ((five)) fifteen thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be prepared and such work shall be put out for public bids and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED, That any project regardless of dollar amount may be put to public bid.

Where the estimated cost to any ((community)) college of any building, improvements, or repairs, or other work, is less than five thousand dollars, the publication requirements of RCW 39.04.020 and ((39.04.090)) 39.04.070 shall be inapplicable.

Sec. 51. RCW 28B.50.340 and 1985 c 390 s 54 are each amended to read as follows:

In addition to the powers conferred under RCW 28B.50.090, the ((community)) college ((state)) board is authorized and shall have the power:

(1) To permit the district boards of trustees to contract for the construction, reconstruction, erection, equipping, maintenance, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances of the college as approved by the ((community college)) state board.

(2) To finance the same by the issuance of bonds secured by the pledge of up to one hundred percent of the building fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

(4) To retain bond counsel and professional bond consultants to aid it in issuing bonds pursuant to RCW 28B.50.340 through 28B.50.400.

Sec. 52. RCW 28B.50.350 and 1985 c 390 s 55 are each amended to read as follows:

For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents

necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute:

- (a) An obligation, either general or special, of the state; or
- (b) A general obligation of the college or of the college board;

(2) Shall be:

- (a) Either registered or in coupon form; and
- (b) Issued in denominations of not less than one hundred dollars; and
- (c) Fully negotiable instruments under the laws of this state; and
- (d) Signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;

(3) Shall state:

- (a) The date of issue; and
- (b) The series of the issue and be consecutively numbered within the series; and
- (c) That the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and professional bond consultants incurred in issuing the bonds, and for the purposes set forth in subsection (8)(b) ((above)) of this section;

(9) Shall constitute a prior lien and charge against the building fees of the community and technical colleges.

Sec. 53. RCW 28B.50.360 and 1985 c 390 s 56 are each amended to read as follows:

There is hereby created in the state treasury a community and technical college bond retirement fund. Within thirty-five days from the date of start of each quarter all building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college bond retirement fund which fund as required, is hereby created in the state treasury. Such amounts of the funds deposited in the bond retirement fund as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) That portion of the building fees not required for or in excess of the amounts necessary to pay and secure the payment of any of the bonds as provided in subsection (1) (~~above~~) of this section shall be deposited in the community and technical college capital projects account which account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges (~~education~~) in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes. All earnings of investments of balances in the (~~community-college~~) capital projects account shall be credited to the general fund.

(3) Notwithstanding the provisions of subsections (1) and (2) (~~above~~) of this section, at such time as all outstanding building bonds of the college board payable from the community and technical college bond retirement fund have been paid, redeemed, and retired, or at such time as ample provision has been made by the state for full payment, from some source other than the (~~community-college~~) bond retirement fund, of the principal of and the interest on and call premium, if applicable, of such bonds as they mature and/or upon their call prior to their maturity, through refunding or otherwise, that portion of all building fees of the community and technical colleges equal to the amount required to pay yearly debt service on any general obligation bonds issued by the state in accordance with Article VIII, section 1, Washington state Constitution, for community and technical college purposes, shall be paid into the general fund of the state treasury. The state finance committee shall determine whether ample provision has been made for payment of such bonds payable from the said bond retirement fund and shall determine the amount required to pay yearly debt service on such general obligation bonds of the state. Nothing in this subsection shall be construed as obligating the legislature or the state to provide for payment of such (~~community~~) college building bonds from some source other than the community and technical college bond retirement fund or as pledging the general credit of the state to the payment of such bonds.

Sec. 54. RCW 28B.50.370 and 1985 c 390 s 57 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and

credited to the bond retirement fund of the ((state)) college board ((for ~~community college education~~)), the following:

- (1) Amounts derived from building fees as are necessary to pay the principal of and interest on the bonds and to secure the same;
- (2) Any grants which may be made, or may become available for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;
- (3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the college board shall charge and collect building fees as established by this chapter and deposit such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

Sec. 55. RCW 28B.50.402 and 1977 ex.s. c 223 s 2 are each amended to read as follows:

Notwithstanding anything to the contrary contained in RCW 28B.50.360(1) and (2) and in RCW 28B.50.370, all moneys on deposit on or before June 30, 1977, in the community and technical college bond retirement fund, shall be transferred by the state treasurer to the state general fund, except for those moneys appropriated by section 17, chapter 1, Laws of 1977.

Sec. 56. RCW 28B.50.404 and 1985 c 390 s 60 are each amended to read as follows:

Subject to the specific provisions of RCW 28B.50.360 and 28B.50.403 through 28B.50.407, such general obligation refunding bonds shall be issued and the refunding of said community and technical college building bonds shall be carried out pursuant to chapters 39.42 and 39.53 RCW as now or hereafter amended. The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise of the state to pay the principal thereof and interest thereon when due.

Sec. 57. RCW 28B.50.405 and 1974 ex.s. c 112 s 3 are each amended to read as follows:

There is hereby created in the state treasury the community and technical college refunding bond retirement fund of 1974, which fund shall be exclusively devoted to the payment of the principal of and interest on the refunding bonds authorized by RCW 28B.50.360 and 28B.50.403 through 28B.50.407.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to pay the principal of and interest on such bonds. On July 1st of each year the state treasurer shall deposit such amount in the ((~~community college~~)) refunding bond retirement fund of 1974 from any general state revenues received in the state treasury.

Sec. 58. RCW 28B.50.409 and 1974 ex.s. c 112 s 7 are each amended to read as follows:

All bonds issued after February 16, 1974 by the college board or any ((~~community college~~)) board of trustees for any ((~~community~~)) college district under provisions of chapter 28B.50 RCW, as now or hereafter amended, shall be issued by such boards only upon the prior advice and consent of the state finance committee.

Sec. 59. RCW 28B.50.520 and 1969 ex.s. c 223 s 28B.50.520 are each amended to read as follows:

The ((state)) college board ((for ~~community college education~~)) or any ((~~community college~~)) board of trustees is authorized to receive federal funds made available for the assistance of community and technical colleges, and providing physical facilities, maintenance or operation of schools, or for any educational purposes, according to the provisions of the acts of congress making such funds available.

Sec. 60. RCW 28B.50.535 and 1969 ex.s. c 261 s 30 are each amended to read as follows:

A community or technical college may issue a high school diploma or certificate, subject to rules and regulations promulgated by the superintendent of public instruction and the state board of education.

Sec. 61. RCW 28B.50.551 and 1980 c 182 s 3 are each amended to read as follows:

The board of trustees of each (~~community~~) college district shall adopt for each community and technical college under its jurisdiction written policies on granting leaves to employees of the district and those colleges, including but not limited to leaves for attendance at official or private institutions and conferences; professional leaves for personnel consistent with the provisions of RCW 28B.10.650; leaves for illness, injury, bereavement and emergencies, and except as otherwise in this section provided, all with such compensation as the board of trustees may prescribe, except that the board shall grant to all such persons leave with full compensation for illness, injury, bereavement and emergencies as follows:

(1) For persons under contract to be employed, or otherwise employed, for at least three quarters, not more than twelve days per year, commencing with the first day on which work is to be performed; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(2) Such leave entitlement may be accumulated after the first three-quarter period of employment for full time employees, and may be taken at any time;

(3) Leave for illness, injury, bereavement and emergencies heretofore accumulated pursuant to law, rule, regulation or policy by persons presently employed by (~~community~~) college districts and community and technical colleges shall be added to such leave accumulated under this section;

(4) Except as otherwise provided in this section or other law, accumulated leave under this section not taken at the time such person retires or ceases to be employed by (~~community~~) college districts or community and technical colleges shall not be compensable;

(5) Accumulated leave for illness, injury, bereavement and emergencies under this section shall be transferred from one (~~community~~) college district or community and technical college to another, to the (~~state~~) college board (~~(for community college education)~~), to the state superintendent of public instruction, to any educational service district, to any school district, or to any other institutions of higher learning of the state; (~~and~~)

(6) Leave accumulated by a person in a (~~community~~) college district or community and technical college prior to leaving that district or college may, under the policy of the board of trustees, be granted to such person when he or she returns to the employment of that district or college; and

(7) Employees of the Seattle Vocational Institute are exempt from this section until July 1, 1993.

Sec. 62. RCW 28B.50.600 and 1969 ex.s. c 223 s 28B.50.600 are each amended to read as follows:

Whenever a common school board has contracted to redeem general obligation bonds used for the construction or acquisition of facilities which are now to be under the administration, control and occupancy of the (~~community~~) college district board, the common school board shall continue to redeem the bonds in accordance with the provisions of the bonds.

Sec. 63. RCW 28B.50.740 and 1969 ex.s. c 223 s 28B.50.740 are each amended to read as follows:

Notwithstanding any other statutory provision relating to indebtedness of school districts, bonds heretofore issued by any common school district for the purpose of providing funds for community and technical college facilities shall not be considered as indebtedness in determining the maximum allowable indebtedness under any statutory limitation of indebtedness when the sum of all indebtedness therein does not exceed the maximum constitutional allowable indebtedness applied to the value of the taxable property contained in such school district: PROVIDED, That nothing contained herein shall be construed to affect the distribution of state funds under any applicable distribution formula.

Sec. 64. RCW 28B.50.835 and 1990 c 29 s 1 are each amended to read as follows:

The legislature recognizes that quality in the state's community and technical colleges would be strengthened by additional partnerships between citizens and the institutions. The legislature intends to foster these partnerships by creating a matching grant program to assist public community and technical colleges in creating endowments for funding exceptional faculty awards.

Sec. 65. RCW 28B.50.837 and 1990 c 29 s 2 are each amended to read as follows:

(1) The Washington community and technical college exceptional faculty awards program is established. The program shall be administered by the ((state)) college board ((for community college education)). The ((community)) college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community and technical college exceptional faculty awards program shall be deposited in the ((community)) college faculty awards trust fund. All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the fund shall be credited to the fund. At the request of the ((state)) college board ((for community college education)), the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is necessary for the expenditure of moneys from the fund.

Sec. 66. RCW 28B.50.839 and 1990 c 29 s 3 are each amended to read as follows:

(1) In consultation with eligible community and technical colleges, the ((state)) college board ((for community college education)) shall set priorities and guidelines for the program.

(2) Under this section, a ((community)) college shall not receive more than four faculty grants in twenty-five thousand dollar increments, with a maximum total of one hundred thousand dollars per campus in any biennium.

(3) All community and technical colleges shall be eligible for matching trust funds. Institutions may apply to the ((state)) college board ((for community college education)) for grants from the fund in twenty-five thousand dollar increments up to a maximum of one hundred thousand dollars when they can match the state funds with equal cash donations from private sources, except that in the initial year of the program, no college may receive more than one grant until every college has received one grant. These donations shall be made specifically to the exceptional faculty awards program and deposited by the institution in a local endowment fund. Otherwise unrestricted gifts may be deposited in the endowment fund by the institution.

(4) Once sufficient private donations are received by the institution, the institution shall inform the ((state)) college board ((for community college education)) and request state matching funds. The ((state)) college board ((for community college education)) shall evaluate the request for state matching funds based on program priorities and guidelines. The ((state)) college board ((for community college education)) may ask the state treasurer to release the state matching funds to a local endowment fund established by the institution for each faculty award created.

Sec. 67. RCW 28B.50.841 and 1990 c 29 s 4 are each amended to read as follows:

(1) The faculty awards are the property of the institution and may be named in honor of a donor, benefactor, or honoree of the institution, at the option of the institution. The institution shall designate the use of the award. The designation shall be made or renewed annually.

(2) The institution is responsible for soliciting private donations, investing and maintaining its endowment funds, administering the faculty awards, and reporting on the program to the governor, the ~~((state))~~ college board ~~((for community college education))~~, and the legislature, upon request. The institution may augment its endowment fund with additional unrestricted private donations. The principal of the invested endowment fund shall not be invaded.

(3) The proceeds from the endowment fund shall be used to pay expenses for faculty awards, which may include in-service training, temporary substitute or replacement costs directly associated with faculty development programs, conferences, travel, publication and dissemination of exemplary projects; to supplement the salary of the holder or holders of a faculty award; or to pay expenses associated with the holder's program area. Funds from this program shall not be used to supplant existing faculty development funds.

Sec. 68. RCW 28B.50.843 and 1990 c 29 s 5 are each amended to read as follows:

The process for determining local awards shall be subject to collective bargaining. Decisions regarding the amounts of individual awards and who receives them shall not be subject to collective bargaining and shall be subject to approval of the applicable ~~((community college))~~ board of trustees.

Sec. 69. RCW 28B.50.850 and 1969 ex.s. c 283 s 32 are each amended to read as follows:

It shall be the purpose of RCW 28B.50.850 through 28B.50.869 to establish a system of faculty tenure which protects the concepts of faculty employment rights and faculty involvement in the protection of those rights in the state system of community and technical colleges. RCW 28B.50.850 through 28B.50.869 shall define a reasonable and orderly process for appointment of faculty members to tenure status and the dismissal of the tenured faculty member.

Employees of the Seattle Vocational Institute are exempt from this section until July 1, 1993.

Sec. 70. RCW 28B.50.851 and 1988 c 32 s 2 are each amended to read as follows:

As used in RCW 28B.50.850 through 28B.50.869:

(1) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and by due process;

(2)(a) "Faculty appointment", except as otherwise provided in ~~((subsection (2))~~(b) ~~((below))~~ of this subsection, shall mean full time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall also mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian; faculty appointment shall also mean employment on a reduced work load basis when a faculty member has retained tenure under RCW 28B.50.859;

(b) "Faculty appointment" shall not mean special faculty appointment as a teacher, counselor, librarian, or other position as enumerated in ~~((subsection (2))~~(a) of this subsection, when such employment results from special funds provided to a community college district from federal moneys or other special funds which other funds are designated as "special funds" by the ~~((state))~~ college board ~~((for community college education))~~; PROVIDED, That such "special funds" so designated by the ~~((state))~~ college board for purposes of this section shall apply only to teachers, counselors and librarians hired from grants and service agreements and teachers, counselors and librarians hired in

nonformula positions. A special faculty appointment resulting from such special financing may be terminated upon a reduction or elimination of funding or a reduction or elimination of program: PROVIDED FURTHER, That "faculty appointees" holding faculty appointments pursuant to subsections (1) or (2)(a) of this section who have been subsequently transferred to positions financed from "special funds" pursuant to ~~((subsection (2)))~~ (b) of this subsection and who thereafter lose their positions upon reduction or elimination of such "special funding" shall be entitled to be returned to previous status as faculty appointees pursuant to subsection (1) or (2)(a) of this section depending upon their status prior to the "special funding" transfer. Notwithstanding the fact that tenure shall not be granted to anyone holding a special faculty appointment, the termination of any such faculty appointment prior to the expiration of the term of such faculty member's individual contract for any cause which is not related to elimination or reduction of financing or the elimination or reduction of program shall be considered a termination for cause subject to the provisions of this chapter;

(3) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's terms of employment;

(4) "Probationer" shall mean an individual holding a probationary faculty appointment;

(5) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority;

(6) "Appointing authority" shall mean the board of trustees of a ~~((community))~~ college district;

(7) "Review committee" shall mean a committee composed of the probationer's faculty peers, a student representative, and the administrative staff of the community or technical college: PROVIDED, That the majority of the committee shall consist of the probationer's faculty peers.

Sec. 71. RCW 28B.50.867 and 1969 ex.s. c 283 s 43 are each amended to read as follows:

Upon transfer of employment from one community or technical college to another community or technical college within a district, a tenured faculty member shall have the right to retain tenure and the rights accruing thereto which he or she had in his or her previous employment: PROVIDED, That upon permanent transfer of employment to another ~~((community))~~ college district a tenured faculty member shall not have the right to retain his tenure or any of the rights accruing thereto.

Sec. 72. RCW 28B.50.869 and 1974 ex.s. c 33 s 2 are each amended to read as follows:

The review committees required by RCW 28B.50.850 through 28B.50.869 shall be composed of members of the administrative staff, a student representative, and the teaching faculty. The representatives of the teaching faculty shall represent a majority of the members on each review committee. The members representing the teaching faculty on each review committee shall be selected by a majority of the teaching faculty and faculty department heads acting in a body. The student representative, who shall be a full time student, shall be chosen by the student association of the particular community or technical college in such manner as the members thereof shall determine.

Sec. 73. RCW 28B.50.870 and 1977 ex.s. c 282 s 1 are each amended to read as follows:

The district board of trustees of any ~~((community))~~ college district currently operating an educational program with funds provided by another state agency, including federal funds, which program has been in existence for five or more years under the administration of one or more ~~((community))~~ college districts, shall provide for the award or denial of tenure to anyone who holds a special faculty appointment in such curricular program and for as long as the program continues to be funded in such manner, utilizing

the prescribed probationary processes and procedures set forth in this chapter with the exception that no student representative shall be required to serve on the review committee defined in RCW 28B.50.851: PROVIDED, That such review processes and procedures shall not be applicable to faculty members whose contracts are renewed after the effective date of this 1977 amendatory act and who have completed at least three consecutive years of satisfactory full time service in such program, who shall be granted tenure by the ((community)) college district: PROVIDED FURTHER, That faculty members who have completed one year or more of satisfactory full time service in such program shall be credited with such service for the purposes of this section: PROVIDED, FURTHER, That provisions relating to tenure for faculty under the provisions of this section shall be distinct from provisions relating to tenure for other faculty of the ((community)) college district and faculty appointed to such special curricular program shall be treated as a separate unit as respects selection, retention, reduction in force or dismissal hereunder: AND PROVIDED FURTHER, That the provisions of this section shall only be applicable to faculty holding a special faculty appointment in an educational program operated in a state correctional institution pursuant to a written contract with a ((community)) college district.

Sec. 74. RCW 28B.50.873 and 1990 c 33 s 559 are each amended to read as follows:

The ((state)) college board ((for community college education)) may declare a financial emergency under the following conditions: (1) Reduction of allotments by the governor pursuant to RCW 43.88.110(2), or (2) reduction by the legislature from one biennium to the next or within a biennium of appropriated funds based on constant dollars using the implicit price deflator. When a district board of trustees determines that a reduction in force of tenured or probationary faculty members may be necessary due to financial emergency as declared by the state board, written notice of the reduction in force and separation from employment shall be given the faculty members so affected by the president or district president as the case may be. Said notice shall clearly indicate that separation is not due to the job performance of the employee and hence is without prejudice to such employee and need only state in addition the basis for the reduction in force as one or more of the reasons enumerated in subsections (1) and (2) of this section.

Said tenured or probationary faculty members will have a right to request a formal hearing when being dismissed pursuant to subsections (1) and (2) of this section. The only issue to be determined shall be whether under the applicable policies, rules or collective bargaining agreement the particular faculty member or members advised of severance are the proper ones to be terminated. Said hearing shall be initiated by filing a written request therefor with the president or district president, as the case may be, within ten days after issuance of such notice. At such formal hearing the tenure review committee provided for in RCW 28B.50.863 may observe the formal hearing procedure and after the conclusion of such hearing offer its recommended decision for consideration by the hearing officer. Failure to timely request such a hearing shall cause separation from service of such faculty members so notified on the effective date as stated in the notice, regardless of the duration of any individual employment contract.

The hearing required by this section shall be an adjudicative proceeding pursuant to chapter 34.05 RCW, the Administrative Procedure Act, conducted by a hearing officer appointed by the board of trustees and shall be concluded by the hearing officer within sixty days after written notice of the reduction in force has been issued. Ten days written notice of the formal hearing will be given to faculty members who have requested such a hearing by the president or district president as the case may be. The hearing officer within ten days after conclusion of such formal hearing shall prepare findings, conclusions of law and a recommended decision which shall be forwarded to the board of trustees for its final action thereon. Any such determination by the hearing officer under this section

shall not be subject to further tenure review committee action as otherwise provided in this chapter.

Notwithstanding any other provision of this section, at the time of a faculty member or members request for formal hearing said faculty member or members may ask for participation in the choosing of the hearing officer in the manner provided in RCW 28A.405.310(4), said employee therein being a faculty member for the purposes hereof and said board of directors therein being the board of trustees for the purposes hereof: PROVIDED, That where there is more than one faculty member affected by the board of trustees' reduction in force such faculty members requesting hearing must act collectively in making such request: PROVIDED FURTHER, That costs incurred for the services and expenses of such hearing officer shall be shared equally by the community or technical college and the faculty member or faculty members requesting hearing.

When more than one faculty member is notified of termination because of a reduction in force as provided in this section, hearings for all such faculty members requesting formal hearing shall be consolidated and only one such hearing for the affected faculty members shall be held, and such consolidated hearing shall be concluded within the time frame set forth herein.

Separation from service without prejudice after formal hearing under the provisions of this section shall become effective upon final action by the board of trustees.

It is the intent of the legislature by enactment of this section and in accordance with RCW 28B.52.035, to modify any collective bargaining agreements in effect, or any conflicting board policies or rules, so that any reductions in force which take place after December 21, 1981, whether in progress or to be initiated, will comply solely with the provisions of this section: PROVIDED, That any applicable policies, rules, or provisions contained in a collective bargaining agreement related to lay-off units, seniority and re-employment rights shall not be affected by the provisions of this paragraph.

Nothing in this section shall be construed to affect the right of the board of trustees or its designated appointing authority not to renew a probationary faculty appointment pursuant to RCW 28B.50.857.

Sec. 75. RCW 28B.50.875 and 1969 ex.s. c 261 s 35 are each amended to read as follows:

Local law enforcement agencies or such other public agencies that shall be in need of such service may contract with any community or technical college for laboratory services for the analyzing of samples that chemists associated with such ~~((community))~~ colleges may be able to perform under such terms and conditions as the individual ~~((community))~~ college may determine.

Employees of the Seattle Vocational Institute are exempt from this section until July 1, 1993.

Sec. 76. RCW 15.76.120 and 1961 c 61 s 3 are each amended to read as follows:

For the purposes of this chapter all agricultural fairs in the state which may become eligible for state allocations shall be divided into categories, to wit:

(1) "Area fairs"--those not under the jurisdiction of boards of county commissioners; organized to serve an area larger than one county, having both open and junior participation, and having an extensive diversification of classes, displays and exhibits;

(2) "County and district fairs"--organized to serve the interests of single counties other than those in which a recognized area fair or a district fair as defined in RCW 36.37.050, is held and which are under the direct control and supervision of the county commissioners of the respective counties, which have both open and junior participation, but whose classes, displays and exhibits may be more restricted or limited than in the case of area or district fairs. There may be but one county fair in a single county: PROVIDED, HOWEVER, That the county commissioners of two or more counties may, by resolution, jointly sponsor a county fair.

(3) "Community fairs"--organized primarily to serve a smaller area than an area or county fair, which may have open or junior classes, displays, or exhibits. There may be more than one community fair in a county.

(4) "Youth shows and fairs"--approved by duly constituted agents of Washington State University and/or the Washington ~~((state board for vocational education))~~ work force training and education coordinating board, serving three or more counties, and having for their purpose the education and training of rural youth in matters of rural living.

Sec. 77. RCW 28A.305.270 and 1989 c 146 s 2 are each amended to read as follows:

(1) The Washington state minority teacher recruitment program is established. The program shall be administered by the state board of education. The state board of education shall consult with the higher education coordinating board, representatives of institutions of higher education, education organizations having an interest in teacher recruitment issues, the superintendent of public instruction, the state board for community and technical colleges ~~((education))~~, the department of employment security, and the ~~((state board of vocational education within the office of the governor))~~ work force training and education coordinating board. The program shall be designed to recruit future teachers from students in the targeted groups who are in the ninth through twelfth grades and from adults in the targeted groups who have entered other occupations.

(2) The program shall include the following:

(a) Encouraging students in targeted groups in grades nine through twelve to acquire the academic and related skills necessary to prepare for the study of teaching at an institution of higher education;

(b) Promoting teaching career opportunities to develop an awareness of opportunities in the education profession;

(c) Providing opportunities for students to experience the application of regular high school course work to activities related to a teaching career; and

(d) Providing for increased cooperation among institutions of higher education including community colleges, the superintendent of public instruction, the state board of education, and local school districts in working toward the goals of the program.

NEW SECTION. Sec. 78. A new section is added to chapter 28A.150 RCW to read as follows:

(1) Each local education agency or college district offering vocational educational programs shall establish local advisory committees to provide that agency or district with advice on current job needs and on the courses necessary to meet these needs.

(2) The local program committees shall:

(a) Participate in the determination of program goals;

(b) Review and evaluate program curricula, equipment, and effectiveness;

(c) Include representatives of business and labor who reflect the local industry, and the community; and

(d) Actively consult with other representatives of business, industry, labor, and agriculture.

NEW SECTION. Sec. 79. (1) Each local education agency or college district offering vocational educational programs shall establish local advisory committees to provide that agency or district with advice on current job needs and on the courses necessary to meet these needs.

(2) The local program committees shall:

(a) Participate in the determination of program goals;

(b) Review and evaluate program curricula, equipment, and effectiveness;

(c) Include representatives of business and labor who reflect the local industry, and the community; and

(d) Actively consult with other representatives of business, industry, labor, and agriculture.

NEW SECTION. Sec. 80. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent shall cooperate with the work force training and education coordinating board in the conduct of the board's responsibilities under section 8 of this act and shall provide information and data in a format that is accessible to the board.

NEW SECTION. Sec. 81. The college board shall cooperate with the work force training and education coordinating board in the conduct of the board's responsibilities under section 8 of this act and shall provide information and data in a format that is accessible to the board.

NEW SECTION. Sec. 82. A new section is added to chapter 50.12 RCW to read as follows:

The commissioner shall cooperate with the work force training and education coordinating board in the conduct of the board's responsibilities under section 8 of this act and shall provide information and data in a format that is accessible to the board.

Sec. 83. RCW 28C.10.020 and 1990 c 188 s 5 are each amended to read as follows:

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

(1) "Agency" means the ~~((state board for vocational education))~~ work force training and education coordinating board or its successor.

(2) "Agent" means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) "Education" includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) "Entity" includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) "Private vocational school" means any location where [there is] an entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) "To grant" includes to award, issue, sell, confer, bestow, or give.

(9) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) "To operate" means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.

NEW SECTION. Sec. 84. Community and technical colleges may contract with local common school districts to provide occupational and academic programs for high school students. Common school districts whose students currently attend vocational-

technical institutes shall not suffer loss of opportunity to continue to enroll their students at technical colleges.

For the purposes of this section, "opportunity to enroll" includes, but is not limited to, the opportunity of common school districts to enroll the same number of high school students enrolled at each vocational-technical institute during the period July 1, 1989, through June 30, 1990, and the opportunity for common school districts to increase enrollments of high school students at each technical college in proportion to annual increases in enrollment within the school districts participating on the effective date of this section. Technical colleges shall offer programs which are accessible to high school students to at least the extent that existed during the period July 1, 1989, through June 30, 1990, and to the extent necessary to accommodate proportional annual growth in enrollments of high school students within school districts participating on the effective date of this section. Accommodating such annual increases in enrollment or program offerings shall be the first priority within technical colleges subject to any enrollment or budgetary restrictions. Technical colleges shall not charge tuition or student services and activities fees to high school students enrolled in the college.

Technical colleges may enter into interlocal agreements with local school districts to provide instruction in courses required for high school graduation, basic skills, and literacy training for students enrolled in technical college programs.

Technical colleges shall receive a dual designation as vocational skill centers if the technical college and one or more local school districts enter into an interlocal agreement to serve eligible high school students through the college.

NEW SECTION. Sec. 85. When the state system of community and technical colleges assumes administrative control of the vocational-technical institutes, personnel employed by the vocational-technical institutes shall:

(1) Suffer no reduction in compensation, benefits, seniority, or employment status. After the effective date of this section, classified employees shall continue to be covered by chapter 41.56 RCW and faculty members and administrators shall be covered by chapter 28B.50 RCW;

(2) To the extent applicable to faculty members, any faculty currently employed on a "continuing contract" basis under RCW 28A.405.210 be awarded tenure pursuant to RCW 28B.50.851 through 28B.50.873, except for any faculty members who are provisional employees under RCW 28A.405.220;

(3) Be eligible to participate in the health care and other insurance plans provided by the health care authority and the state employee benefits board pursuant to chapter 41.05 RCW;

(4) Be eligible to participate in old age annuities or retirement income plans under the rules of the state board for community and technical colleges pursuant to RCW 28B.10.400 or the teachers' retirement system plan I for personnel employed before July 1, 1977, or plan II for personnel employed after July 1, 1977, under chapter 41.32 RCW; however, no affected vocational-technical institute employee shall be required to choose from among any available retirement plan options prior to six months after the effective date of this section;

(5) Have transferred to their new administrative college district all accrued sick and vacation leave and thereafter shall earn and use all such leave under the rule established pursuant to RCW 28B.50.551;

(6) Be eligible to participate in the deferred compensation plan pursuant to RCW 41.04.250 and the dependent care program pursuant to RCW 41.04.600 under the rules established by the state deferred compensation committee.

An exclusive bargaining representative certified to represent a bargaining unit covering employees of a vocational technical institute on the effective date of this section shall remain the exclusive representative of such employees thereafter until and unless such representative is replaced or decertified in accordance with state law.

Any collective bargaining agreement in effect on the effective date of this section shall remain in effect as it applies to employees of vocational technical institutes until its expiration or renewal date or until renegotiated or renewed in accordance with chapter 28B.52 or 41.56 RCW. If any collective bargaining agreement pertaining to any employee of a vocational-technical institute expires before the new boards of trustees convene, the terms and conditions of the expired contract shall continue until the board approves a new contract, or until October 1, 1991, whichever comes first. The board and the employees may mutually agree to continue the terms and conditions of an existing contract beyond October 1, 1991. Labor relations processes and agreements covering faculty members of vocational technical institutes after the effective date of this section shall be governed by chapter 28B.52 RCW. Labor relations processes and agreements covering classified employees of vocational technical institutes after the effective date of this section shall continue to be governed by chapter 41.56 RCW.

NEW SECTION. Sec. 86. Notwithstanding the provisions of chapter 28B.15 RCW, technical colleges and the Seattle Vocational Institute may continue to collect student tuition and fees per their standard operating procedures in effect on the effective date of this section. The applicability of existing community college rules and statutes pursuant to chapter 28B.15 RCW regarding tuition and fees shall be determined by the state board for community and technical colleges within two years of the effective date of this section.

NEW SECTION. Sec. 87. All powers, duties, and functions of the superintendent of public instruction and the state board of education pertaining to projects of adult education, including the state-funded Even Start and including the adult education programs operated pursuant to 20 U.S.C. Sec. 1201 as amended by P.L. 100-297, are transferred to the state board for community and technical colleges. All references to the director or superintendent of public instruction or the state board of education in the Revised Code of Washington shall be construed to mean the director or the state board for community and technical colleges when referring to the functions transferred in this section.

NEW SECTION. Sec. 88. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state board for community and technical colleges. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the superintendent of public instruction in carrying out the powers, functions, and duties transferred shall be made available to the state board for community and technical colleges. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state board for community and technical colleges.

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

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

The superintendent or designee, and the director of the state board shall work out a mutually agreeable schedule to accomplish this transfer by no later than July 1, 1991.

NEW SECTION. Sec. 89. All employees of the superintendent of public instruction engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the state board for community and technical colleges. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state board for community and technical colleges to perform their usual

duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing chapter 28B.16 RCW.

NEW SECTION. Sec. 90. All rules and all pending business before the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state board for community and technical colleges. All existing contracts and obligations shall remain in full force and shall be performed by the state board for community and technical colleges.

NEW SECTION. Sec. 91. The transfer of the powers, duties, functions, and personnel of the superintendent of public instruction shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 92. If apportionments of budgeted funds are required because of the transfers directed by sections 88 through 91 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 93. Nothing contained in sections 88 through 92 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 94. The college board personnel administering state and federally funded programs for adult basic skills and literacy education shall be known as the state office for adult literacy.

NEW SECTION. Sec. 95. The legislature finds that a vocational institute in the central area of the city of Seattle provides civic, social, and economic benefits to the people of the state of Washington.

Economic development is enhanced by increasing the number of skilled individuals who enter the labor market and social welfare costs are reduced by the training of individuals lacking marketable skills. The students at the institute are historically economically disadvantaged, and include racial and ethnic minorities, recent immigrants, single-parent heads of households, and persons who are dislocated workers or without specific occupational skills. The institute presents a unique opportunity for business, labor, and community-based organizations, and educators to work together to provide effective vocational-technical training to the economically disadvantaged of urban Seattle, and to serve as a national model of such cooperation. Moreover, a trained work force is a major factor in attracting new employers, and with greater minority participation in the work force, the institute is uniquely located to deliver training and education to the individuals employers must increasingly turn to for their future workers.

NEW SECTION. Sec. 96. The public nonprofit corporation for the Washington institute for applied technology is hereby abolished and its powers, duties, and functions are hereby transferred to the sixth college district. The Washington institute for applied technology shall be renamed the Seattle Vocational Institute. The Seattle Vocational Institute shall become a fourth unit of the sixth college district. All references to the director or public nonprofit corporation for the Washington institute for applied technology in the Revised Code of Washington shall be construed to mean the director of the Seattle Vocational Institute.

NEW SECTION. Sec. 97. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the public nonprofit corporation for the Washington institute for applied technology shall be delivered to the custody of the sixth college district. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the public nonprofit corporation for the Washington institute for applied technology shall be made available to the sixth college district for the

use of the Seattle Vocational Institute. All funds, credits, or other assets held by the public nonprofit corporation for the Washington institute for applied technology shall be assigned to the sixth college district for the use of the institute.

Any appropriations made to the public nonprofit corporation for the Washington institute for applied technology shall, on the effective date of this section, be transferred and credited to the sixth college district.

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

NEW SECTION. Sec. 98. All contractual obligations, rules, and all pending business before the public nonprofit corporation for the Washington institute for applied technology shall be continued and acted upon by the sixth college district. All existing contracts and obligations shall remain in full force and shall be performed by the sixth college district.

NEW SECTION. Sec. 99. All employees of the Washington institute for applied technology engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Seattle Vocational Institute. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Seattle Vocational Institute to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 100. The transfer of the powers, duties, functions, and personnel of the public nonprofit corporation for the Washington institute for applied technology shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 101. If apportionments of budgeted funds are required because of the transfers directed by sections 97 through 100 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 102. The mission of the institute shall be to provide occupational, basic skills, and literacy education opportunities to economically disadvantaged populations in urban areas of the college district it serves. The mission shall be achieved primarily through open-entry, open-exit, short-term, competency-based basic skill, and job training programs targeted primarily to adults. The board of trustees of the sixth college district shall appoint a nine-member advisory committee consisting of equal representation from business, labor, and community representatives to provide advice and counsel to the administration of the institute and the district administration.

NEW SECTION. Sec. 103. Funding for the institute shall be included in a separate allocation to the sixth college district, and funds allocated for the institute shall be used only for purposes of the institute.

NEW SECTION. Sec. 104. The sixth college district shall conduct a survey of the capital facilities and equipment necessary to operate the program at the institute. The district shall present the survey to the state board for community and technical colleges by December 1, 1991. The board shall include the survey in its budget request to the legislature which shall consider a supplementary appropriation for the 1992-93 fiscal year to the sixth college district based on the results of this survey.

NEW SECTION. Sec. 105. The district may provide for waivers of tuition and fees and provide scholarships for students at the institute. The district may negotiate with applicable public or private service providers to conduct the instructional activities of the

institute. The district may employ instructional staff or faculty. The district may also contract with private individuals for instructional services. Until at least July 1, 1993, all faculty and staff serve at the pleasure of the district. In order to allow the district flexibility in its personnel policies with the institute, the district and the institute, with reference to employees of the institute employed during an initial two-year period until July 1, 1993, are exempt from chapters 28B.16, 28B.52 (relating to collective bargaining), 41.04, 41.05, 41.06, and 41.40 RCW; from RCW 43.01.040 through 43.01.044; and from RCW 28B.50.551 and 28B.50.850 through 28B.50.875 (relating to faculty tenure).

NEW SECTION. Sec. 106. A new section is added to chapter 41.06 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

NEW SECTION. Sec. 107. A new section is added to chapter 41.05 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

NEW SECTION. Sec. 108. A new section is added to chapter 41.04 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

NEW SECTION. Sec. 109. A new section is added to chapter 28B.16 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

NEW SECTION. Sec. 110. A new section is added to chapter 41.40 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

NEW SECTION. Sec. 111. A new section is added to chapter 28B.52 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

NEW SECTION. Sec. 112. A new section is added to chapter 43.01 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from RCW 43.01.040 through 43.01.044 until July 1, 1993.

NEW SECTION. Sec. 113. Related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of the state board for community and technical colleges and its local community and technical colleges.

NEW SECTION. Sec. 114. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter shall apply to classified employees of technical colleges as provided for in section 85 of this act.

Sec. 115. RCW 28B.10.016 and 1977 ex.s. c 169 s 1 are each amended to read as follows:

For the purposes of this title:

(1) "State universities" means the University of Washington and Washington State University.

(2) "Regional universities" means Western Washington University at Bellingham, Central Washington University at Ellensburg, and Eastern Washington University at Cheney.

(3) "State college" means The Evergreen State College in Thurston county.

(4) "Institutions of higher education" or "postsecondary institutions" means the state universities, the regional universities, The Evergreen State College, ~~((and))~~ the community colleges, and the technical colleges.

NEW SECTION. Sec. 116. There is hereby established the task force on technical colleges appointed by the governor. The task force shall be chaired by the director of the state board for community and technical colleges. The task force shall consist of representatives of the state board for community and technical colleges, community colleges, and the directors of the vocational-technical institutes. The purpose of the task force shall be to reach agreement on transitional issues posed by the bringing together of technical colleges and community colleges. The areas of agreement shall include the district boundaries and service areas not specified on the effective date of this section, for technical colleges that are not specified on the effective date of this section and such other matters as are assigned to the task force by chapter ---, Laws of 1991 (this act). The director of the state board shall convene the task force within thirty days after the appointment of the members. The task force shall report on its final recommendations to the college board and the governor by December 1, 1991. Those issues remaining in dispute shall be settled by the governor or the governor's designee.

NEW SECTION. Sec. 117. Title to or all interest in real estate, choses in action and all other assets, and liabilities including court claims, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the effective date of this section by or for a school district and obtained identifiably with federal, state, or local funds appropriated for vocational-technical institutes purposes or postsecondary vocational educational purposes, or used or obtained with funds budgeted for postsecondary vocational educational purposes, or used or obtained primarily for vocational-technical institute educational purposes, shall, on the date on which the first board of trustees of each district takes office, vest in or be assigned to the district board. Cash, funds, accounts, or other deposits obtained or raised by a school district to pay for indebtedness, bonded or otherwise, contracted on or before the effective date of this section, for vocational-technical institute purposes shall remain with and continue to be, after February 2, 1992, an asset of the school district. Any option acquired by the school district to purchase real property which in the judgment of the school district will be used in the common school program may remain with the school district notwithstanding that such option was obtained in consideration of the purchase by such school district of other property for vocational-technical institute purposes. Unexpended funds of a common school district derived from the sale, before the effective date of this section, of bonds authorized for any purpose which includes vocational-technical institute purposes and not committed for any existing construction contract, shall remain with and continue to be an asset of such common school district, unless within thirty days after said date such common school district determines to transfer such funds to the board of trustees.

NEW SECTION. Sec. 118. All powers, duties, and functions of the school district pertaining to a vocational-technical institute are transferred to the state board for community and technical colleges until the establishment of local boards of trustees with authority for the technical college. All references to the director or school district in the Revised Code of Washington shall be construed to mean the director or state board for community and technical colleges when referring to the functions transferred in this section.

NEW SECTION. Sec. 119. All reports, documents, surveys, books, records, files, papers, licenses, or written material in the possession of the school district pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state board for community and technical colleges. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the school district in carrying out the powers, functions, and duties transferred shall be made available to the state board

for community and technical colleges. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state board for community and technical colleges.

Any appropriations made to the school district for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the state board for community and technical colleges.

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

NEW SECTION. Sec. 120. All employees of the school district engaged in performing the powers, functions, and duties transferred are temporarily transferred to the jurisdiction of the state board for community and technical colleges. The transfer of employees to the state board for community and technical colleges shall not constitute termination of employment or reductions in force by the school districts and shall be excluded from the requirements of RCW 28A.405.210 through 28A.405.240 and 28A.405.300 through 28A.405.380. Until the local board of trustees assumes control of the college, all classified employees are assigned to the jurisdiction of the state board for community and technical colleges to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with chapter 41.56 RCW.

NEW SECTION. Sec. 121. All rules and all pending business before the school district pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state board for community and technical colleges. All existing contracts and obligations shall remain in full force and shall be performed by the state board for community and technical colleges.

NEW SECTION. Sec. 122. The transfer of the powers, duties, functions, and personnel of the school district shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 123. If apportionments of budgeted funds are required because of the transfers directed by sections 119 through 122 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 124. All powers, duties, and functions of the superintendent of public instruction pertaining to vocational-technical institutes are transferred to the state board for community and technical colleges. All references to the director or superintendent of public instruction in the Revised Code of Washington shall be construed to mean the director or state board for community and technical colleges when referring to the functions transferred in this section.

NEW SECTION. Sec. 125. All reports, documents, surveys, books, records, files, papers, licenses, or written material in the possession of the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state board for community and technical colleges. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the superintendent of public instruction in carrying out the powers, functions, and duties transferred shall be made available to the state board for community and technical colleges. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state board for community and technical colleges.

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

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

NEW SECTION. Sec. 126. All employees of the superintendent of public instruction engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the state board for community and technical colleges. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state board for community and technical colleges to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing chapter 28B.16 RCW.

NEW SECTION. Sec. 127. All rules and all pending business before the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state board for community and technical colleges. All existing contracts and obligations shall remain in full force and shall be performed by the state board for community and technical colleges.

NEW SECTION. Sec. 128. The transfer of the powers, duties, functions, and personnel of the superintendent of public instruction shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 129. If apportionments of budgeted funds are required because of the transfers directed by sections 125 through 128 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 130. All funds appropriated by the legislature in the capital budget for the 1991-93 biennium pertaining to vocational-technical institutes and to community colleges are hereby combined under the capital budget for the state board for community and technical colleges, provided that funds appropriated in the 1991-93 biennium pertaining to vocational-technical institutes or technical colleges shall be made available solely for the use of those entities.

NEW SECTION. Sec. 131. Capital and (RMI) projections for vocational-technical institutes are hereby incorporated into the six-year capital plan for community colleges that begins in the 1993-95 biennium and placed under the capital plans and projections for the state board for community and technical colleges.

NEW SECTION. Sec. 132. All funds appropriated by the legislature in the operating budget for the 1991-93 biennium pertaining to vocational-technical institutes and to community colleges are combined under the operating budget for the state board for community and technical colleges, provided that funds appropriated in the 1991-93 biennium pertaining to vocational-technical institutes or technical colleges shall be made available solely for the use of those entities.

NEW SECTION. Sec. 133. Title to or all interest in real estate, choses in action, and all other assets and liabilities, including court claims, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the effective date of this section by or for a school district and obtained identifiably with federal, state, or local funds appropriated for vocational-technical institute purposes or postsecondary vocational educational purposes, or used or obtained with funds budgeted

for vocational-technical institute purposes or postsecondary vocational education purposes, or used or obtained primarily for vocational education purposes, and all liabilities including, but not limited to court claims incurred on behalf of a vocational-technical institute by a school district, shall, on the date on which the first board of trustees of each college district takes office, vest in or be assigned to the state board for community and technical colleges. Grounds that have been used primarily as a playground for children shall continue to be made available for such use.

Cash, funds, accounts, or other deposits obtained or raised by a school district to pay for indebtedness, bonded or otherwise, contracted on or before the effective date of this section for vocational-technical institute purposes shall remain with and continue to be, after the effective date of this section, an asset of the school district.

Any option acquired by the school district to purchase real property which in the judgment of the school district will be used in the common school program may remain with the school district notwithstanding that such option was obtained in consideration of the purchase by such school district of other property for vocational-technical institute purposes.

Unexpended funds of a common school district derived from the sale of bonds issued for vocational-technical institute capital purposes and not committed for any existing construction contract, shall be transferred to the college district of which the institute is a part for application to such projects.

For the purposes of this section and to facilitate the process of allocating the assets, the board of directors of each school district in which a vocational-technical institute is located, and the director of each vocational-technical institute, shall each submit to the state board of education, and the state board for community and technical colleges within ninety days of the effective date of this section, an inventory listing all real estate, personal property, choses in action, and other assets, held by a school district which, under the criteria of this section, will become the assets of the state board for community and technical colleges.

However, assets used primarily for vocational-technical institute purposes shall include, but not be limited to, all assets currently held by school districts which have been used on an average of at least seventy-five percent of the time during the 1989-90 school year, or if acquired subsequent to July 1, 1990, since its time of acquisition, for vocational-technical institute purposes, except that facilities used during school construction and remodeling periods to house vocational-technical institute programs temporarily and facilities that were vacated by the vocational-technical institute and returned to the school district during 1990-91 are not subject to this requirement.

The ultimate decision and approval with respect to the allocation and dispositions of the assets and liabilities including court claims under this section shall be made by a task force appointed by the governor in consultation with the superintendent of public instruction and the state board for community and technical colleges. Any issues remaining in dispute shall be settled by the governor or the governor's designee. The decision of the governor, the governor's designee, or the task force may be appealed within sixty days after such decision is issued by appealing to the district court of Thurston county. The decision of the superior court may be appealed to the supreme court of the state in accordance with the provision of the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION. Sec. 134. If, before the effective date of this section, the use of a single building facility is being shared between an existing vocational-technical institute program and a K-12 program, the respective boards shall continue to share the use of the facility until such time as it is convenient to remove one of the two programs to another facility. The determination of convenience shall be based solely upon the best interests of the students involved.

If a vocational-technical institute district board and a common school district board are sharing the use of a single facility, the program occupying the majority of the space of such facility, exclusive of space utilized equally by both, shall determine which board will be charged with the administration and control of such facility. The determination of occupancy shall be based upon the space occupied as of January 1, 1990.

The board charged with the administration and control of such facility may share expenses with the other board for the use of the facility.

In the event that the two boards are unable to agree upon which board is to administer and control the facility or upon a fair share of expenses for the use of the facility, the governor shall appoint an arbitrator to settle the matter. The decisions of the arbitrator shall be final and binding upon both boards. The expenses of the arbitration shall be divided equally by each board.

NEW SECTION. Sec. 135. All funds remaining from any public or private grant, contract, or in various auxiliary enterprise accounts for vocational-technical institute purposes shall be transferred to the appropriate college district under the state board for community and technical colleges once a district board of trustees has been appointed.

NEW SECTION. Sec. 136. In the event a new college district is created, the governor shall appoint new trustees to the district's board of trustees in accordance with RCW 28B.50.100.

Sec. 137. RCW 43.19.190 and 1987 c 414 s 10 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, technical colleges, college districts, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by said legislature: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals and the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by cooperative hospital service organizations as defined in section 501(e) of the Internal Revenue Code, or its successor: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935 as now or hereafter amended;

(3) Provide the required staff assistance for the state supply management advisory board through the division of purchasing;

(4) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies: PROVIDED, That acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, as now or hereafter amended, or from policies established by the director after consultation with the state supply management advisory board: PROVIDED FURTHER, That delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the supply management advisory board;

(10) Provide for the maintenance of inventory records of supplies, materials, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(12) Publish procedures and guidelines for compliance by all state agencies, including educational institutions, which implement overall state purchasing and material control policies;

(13) Conduct periodic visits to state agencies, including educational institutions, to determine if statutory provisions and supporting purchasing and material control policies are being fully implemented, and based upon such visits, take corrective action to achieve compliance with established purchasing and material control policies under existing statutes when required.

NEW SECTION. Sec. 138. Sick leave accumulated by employees of vocational-technical institutes shall be transferred to the college districts without loss of time subject to the provisions of RCW 28B.50.551 and the further provisions of any negotiated agreements then in force.

NEW SECTION. Sec. 139. The state employees' benefit board shall adopt rules to preclude any preexisting conditions or limitations in existing health care service contracts for school district employees at vocational-technical institutes transferred to the state board for community and technical colleges. The board shall also provide for the disposition of any dividends or refundable reserves in the school district's health care service contracts applicable to vocational-technical institute employees.

NEW SECTION. Sec. 140. If a school board has contracted to redeem general obligation bonds used for the construction or acquisition of facilities which are now to be under the administration, control, and occupancy of the college district board, the school board shall continue to redeem the bonds in accordance with the provisions of the bonds.

NEW SECTION. Sec. 141. If a technical college is created after the effective date of this section, that college may contract with an adjacent college district for administrative services until such time that an existing or new college district may assume jurisdiction over the college.

NEW SECTION. Sec. 142. The legislature finds that the needs of the work force and the economy necessitate enhanced vocational education opportunities in secondary education including curriculum which integrates vocational and academic education. In order for the state's work force to be competitive in the world market, employees need competencies in both vocational/technical skills and in core essential competencies such as English, math, science/technology, geography, history, and critical thinking. Curriculum which integrates vocational and academic education reflects that many students learn best through applied learning, and that students should be offered flexible education opportunities which prepare them for both the world of work and for higher education.

NEW SECTION. Sec. 143. The superintendent of public instruction shall with the advice of the work force training and education coordinating board develop model curriculum integrating vocational and academic education at the secondary level. The curriculum shall integrate vocational education for gainful employment with education in the academic subjects of English, math, science/technology, geography, and history, and with education in critical thinking. Upon completion, the model curriculum shall be provided for consideration and use by school districts.

NEW SECTION. Sec. 144. A new section is added to chapter 28A.320 RCW to read as follows:

As of the effective date of this section, school districts shall not remove facilities, equipment, or property from the jurisdiction or use of the technical colleges. This shall include direct and indirect funds other than those indirect charges provided for in the 1990-91 appropriations act. School districts shall not increase direct or indirect charges for central district administrative support for technical college programs above the percentage rate charged in the 1990-91 school year. This provision on administrative charges for technical college programs shall apply to any state and federal grants, tuition, and other revenues generated by technical college programs. School districts and the superintendent of public instruction shall cooperate fully with the technical colleges and the state board for community and technical colleges with regard to the implementation of chapter ..., Laws of 1991 (this act). No employee of a technical college may be discriminated against based on actions or opinions expressed on issues surrounding chapter ..., Laws of 1991 (this act). Any dispute related to issues contained in this section shall be resolved under section 133 of this act.

NEW SECTION. Sec. 145. During the period from the effective date of this section until September 1, 1991:

(1) The executive director of the state board for community and technical colleges, or the executive director's designee, may enter into contracts, or agreements for goods, services, and personnel, on behalf of the technical college, which are effective after September 1, 1991. The executive director, or the executive director's designee, may conduct business, including budget approval, relevant to the operation of the technical college in the period subsequent to September 1, 1991.

(2) Vocational-technical institute directors may conduct business relevant to the operation of the vocational-technical institutes. School boards and superintendents may not restrict or remove powers previously delegated to the vocational-technical institute directors during the 1990-91 school year.

(3) Technical colleges' boards of trustees appointed before September 1, 1991, shall serve in an advisory capacity to the vocational-technical institute director.

As of September 1, 1991, technical colleges may, by interlocal agreement, continue to purchase from the school districts, support services within mutually agreed upon categories at a cost not to exceed the indirect rate charged during the 1990-91 school year. No employee of a technical college may be discriminated against based on actions or opinions expressed on issues surrounding chapter ..., Laws of 1991 (this act). Any

dispute related to issues contained in this section shall be resolved under section 133 of this act.

NEW SECTION. Sec. 146. The colleges in each overlapping service area shall jointly submit for approval to the state board for community and technical colleges not later than December 1, 1991, a regional planning agreement. The agreement shall provide for the ongoing interinstitutional coordination of community and technical college programs and services operated in the overlapping service area. The agreement shall include the means for the adjudication of issues arising from overlapping service areas. The agreement shall include a definitive statement of mission, scope, and purpose for each college including the nature of courses, programs, and services to be offered by each college. The statement shall include a provision that the technical colleges shall not offer courses designed for transfer to baccalaureate granting institutions. This shall not preclude such offerings provided through contracts or agreements with a community college in the service area.

Any part of the agreement that is not approved by all the colleges in the service area, shall be determined by the state board for community and technical colleges. Approved regional planning agreements shall be enforced by the full authority of the state board for community and technical colleges. Changes to the agreement are subject to state board approval.

Sec. 147. RCW 28B.52.010 and 1987 c 314 s 1 are each amended to read as follows:

It is the purpose of this chapter to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between academic employees and the ((community)) college districts by which they are employed.

It is the purpose of this chapter to promote cooperative efforts by prescribing certain rights and obligations of the employees and employers and by establishing orderly procedures governing the relationship between the employees and their employers which procedures are designed to meet the special requirements and needs of public employment in higher education. It is the intent of this chapter to promote activity that includes the elements of open communication and access to information in a timely manner, with reasonable discussion and interpretation of that information. It is the further intent that such activity shall be characterized by mutual respect, integrity, reasonableness, and a desire on the part of the parties to address and resolve the points of concern.

Sec. 148. RCW 28B.52.020 and 1987 c 314 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Employee organization" means any organization which includes as members the academic employees of a ((community)) college district and which has as one of its purposes the representation of the employees in their employment relations with the ((community)) college district.

(2) "Academic employee" means any teacher, counselor, librarian, or department head, who is employed by any ((community)) college district, whether full or part time, with the exception of the chief administrative officer of, and any administrator in, each ((community)) college district.

(3) "Administrator" means any person employed either full or part time by the ((community)) college district and who performs administrative functions as at least fifty percent or more of his or her assignments, and has responsibilities to hire, dismiss, or discipline other employees. Administrators shall not be members of the bargaining unit unless a majority of such administrators and a majority of the bargaining unit elect by secret ballot for such inclusion pursuant to rules ((and regulations)) as adopted in accordance with RCW 28B.52.080.

(4) "Commission" means the public employment relations commission.

(5) "Unfair labor practice" means any unfair labor practice listed in RCW 28B.52.073.

(6) "Union security provision" means a provision in a collective bargaining agreement under which some or all employees in the bargaining unit may be required, as a condition of continued employment on or after the thirtieth day following the beginning of such employment or the effective date of the provision, whichever is later, to become a member of the exclusive bargaining representative or pay an agency fee equal to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative.

(7) "Exclusive bargaining representative" means any employee organization which has:

(a) Been certified or recognized under this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) Before July 26, 1987, been certified or recognized under a predecessor statute as the representative of the employees in a bargaining unit which continues to be appropriate under this chapter.

(8) "Collective bargaining" and "bargaining" mean the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times to bargain in good faith in an effort to reach agreement with respect to wages, hours, and other terms and conditions of employment, such as procedures related to nonretention, dismissal, denial of tenure, and reduction in force. Prior law, practice, or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which items are mandatory subjects for bargaining.

Sec. 149. RCW 28B.52.030 and 1987 c 314 s 3 are each amended to read as follows:

Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the academic employees within its ((community)) college district, shall have the right to bargain as defined in RCW 28B.52.020(8).

Sec. 150. RCW 28B.52.035 and 1987 c 314 s 4 are each amended to read as follows:

At the conclusion of any negotiation processes as provided for in RCW 28B.52.030, any matter upon which the parties have reached agreement shall be reduced to writing and acted upon in a regular or special meeting of the boards of trustees, and become part of the official proceedings of said board meeting. Provisions of written contracts relating to salary increases shall not exceed the amount or percentage established by the legislature in the appropriations act and allocated to the board of trustees by the state board for community and technical colleges ((education)). The length of term of any such agreement shall be for not more than three fiscal years. Any provisions of these agreements pertaining to salary increases will not be binding upon future actions of the legislature. If any provision of a salary increase is changed by subsequent modification of the appropriations act by the legislature, both parties shall immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the modified provision.

Sec. 151. RCW 28B.52.050 and 1971 ex.s. c 196 s 4 are each amended to read as follows:

Nothing in this chapter shall prohibit any academic employee from appearing in his or her own behalf on matters relating to his or her employment relations with the ((community)) college district.

Sec. 152. RCW 28B.52.060 and 1987 c 314 s 9 are each amended to read as follows:

The commission shall conduct mediation activities upon the request of either party as a means of assisting in the settlement of unresolved matters considered under this chapter.

In the event that any matter being jointly considered by the employee organization and the board of trustees of the ((community)) college district is not settled by the means provided in this chapter, either party, twenty-four hours after serving written notice of its intended action to the other party, may, request the assistance and advice of the commission. Nothing in this section prohibits an employer and an employee organization from agreeing to substitute, at their own expense, some other impasse procedure or other means of resolving matters considered under this chapter.

Sec. 153. RCW 28B.52.070 and 1971 ex.s. c 196 s 6 are each amended to read as follows:

Boards of trustees of ((community)) college districts or any administrative officer thereof shall not discriminate against academic employees or applicants for such positions because of their membership or nonmembership in employee organizations or their exercise of other rights under this chapter.

Sec. 154. RCW 28B.52.078 and 1987 c 314 s 13 are each amended to read as follows:

The right of ((community)) college faculty to engage in any strike is prohibited. The right of a board of trustees to engage in any lockout is prohibited. Should either a strike or lockout occur, the representative of the faculty or board of trustees may invoke the jurisdiction of the superior court in the county in which the labor dispute exists and such court shall have jurisdiction to issue an appropriate order against either or both parties. In fashioning an order, the court shall take into consideration not only the elements necessary for injunctive relief but also the purpose and goals of this chapter and any mitigating factors such as the commission of an unfair labor practice by either party.

Sec. 155. RCW 28B.52.090 and 1971 ex.s. c 196 s 8 are each amended to read as follows:

Nothing in this chapter shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any ((community)) college district and any representative of its employees.

Sec. 156. RCW 28B.52.200 and 1987 c 314 s 12 are each amended to read as follows:

Nothing in chapter 28B.52 RCW as now or hereafter amended shall compel either party to agree to a proposal or to make a concession, nor shall any provision in chapter 28B.52 RCW as now or hereafter amended be construed as limiting or precluding the exercise by each ((community)) college board of trustees of any powers or duties authorized or provided to it by law unless such exercise is contrary to the terms and conditions of any lawful negotiated agreement, except that other than to extend the terms of a previous contract, a board of trustees shall not take unilateral action on any unresolved issue under negotiation, unless the parties have first participated in good faith mediation or some other procedure as authorized by RCW 28B.52.060 to seek resolution of the issue.

Sec. 157. RCW 28B.52.210 and 1990 c 29 s 6 are each amended to read as follows:

With respect to the community and technical colleges faculty awards trust program, the permissible scope of collective bargaining under this chapter shall be governed by RCW 28B.50.843.

NEW SECTION. Sec. 158. The following acts or parts of acts are each repealed:

- (1) RCW 28B.50.055 and 1982 1st ex.s. c 30 s 10;
- (2) RCW 28C.15.010 and 1987 c 492 s 1;
- (3) RCW 28C.15.020 and 1987 c 492 s 2;
- (4) RCW 28C.15.030 and 1987 c 492 s 3; and
- (5) RCW 28C.15.900 and 1987 c 492 s 4.

NEW SECTION. Sec. 159. The following acts or parts of acts as now existing or hereafter amended are each repealed effective October 1, 1991:

- (1) RCW 28C.04.015 and 1990 c 188 s 1;
- (2) RCW 28C.04.024 and 1990 c 188 s 2;
- (3) RCW 28C.04.035 and 1990 c 188 s 3; and
- (4) RCW 28C.04.045 and 1990 c 188 s 4.

NEW SECTION. Sec. 160. Each technical college shall have written procedures which include provisions for the vocational education of individuals with disabilities. These written procedures shall include a plan to provide services to individuals with disabilities, a written plan of how the technical college will comply with relevant state and federal requirements for providing vocational education to individuals with disabilities, a written plan of how the technical college will provide on-site appropriate instructional support staff in compliance with P.L. 94-142, and as since amended, and section 504 of the rehabilitation act of 1973, and as thereafter amended.

NEW SECTION. Sec. 161. Sections 142 and 143 of this act shall constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 162. Sections 16 and 17 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 163. Sections 2 through 9 of this act shall constitute a new chapter in Title 28C RCW.

NEW SECTION. Sec. 164. Sections 18 through 20 of this act shall constitute a new chapter in Title 28C RCW.

NEW SECTION. Sec. 165. Sections 21, 26 through 31, 79, 81, 84 through 86, 94 through 96, 102 through 105, 113, 136, 141, 145, 146, and 160 of this act are each added to chapter 28B.50 RCW.

NEW SECTION. Sec. 166. RCW 28B.50.300 is decodified.

NEW SECTION. Sec. 167. If specific funding for the purposes of this act, referencing this act by bill number, is not provided for sections 95 through 103 and 158 of this act by June 30, 1993, in the omnibus appropriations act, sections 95 through 103 and 158 of this act shall be null and void.

NEW SECTION. Sec. 168. Sections 1 through 8, 16 through 21, 26 through 30, 35, 78 through 83, 87 through 113, 116, 142 through 146, and 166 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions.

Sections 35, 116, and 144 through 146 of this act shall take effect immediately.

Sections 1 through 8, 16 through 21, 26 through 30, 78 through 83, 87 through 113, 142, 143, and 166 of this act shall take effect July 1, 1991.

Sections 22 through 25, 31 through 34, 36 through 77, 84 through 86, 114, 115, 117 through 141, and 147 through 160 of this act shall take effect September 1, 1991.

Sections 9 through 15 of this act shall take effect October 1, 1991.

NEW SECTION. Sec. 169. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.50.010, 28B.50.020, 28B.50.030, 28B.50.040, 28B.50.050, 28B.50.060, 28B.50.085, 28B.50.090, 28B.50.092, 28B.50.093, 28B.50.095, 28B.50.100,

28B.50.130, 28B.50.140, 28B.50.142, 28B.50.143, 28B.50.145, 28B.50.150, 28B.50.205, 28B.50.242, 28B.50.250, 28B.50.320, 28B.50.330, 28B.50.340, 28B.50.350, 28B.50.360, 28B.50.370, 28B.50.402, 28B.50.404, 28B.50.405, 28B.50.409, 28B.50.520, 28B.50.535, 28B.50.551, 28B.50.600, 28B.50.740, 28B.50.835, 28B.50.837, 28B.50.839, 28B.50.841, 28B.50.843, 28B.50.850, 28B.50.851, 28B.50.867, 28B.50.869, 28B.50.870, 28B.50.873, 28B.50.875, 15.76.120, 28A.305.270, 28C.10.020, 28B.10.016, 43.19.190, 28B.52.010, 28B.52.020, 28B.52.030, 28B.52.035, 28B.52.050, 28B.52.060, 28B.52.070, 28B.52.078, 28B.52.090, 28B.52.200, and 28B.52.210; adding new sections to chapter 28B.50 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 28B.16 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 28A.320 RCW; adding a new chapter to Title 28A RCW; adding new chapters to Title 28C RCW; adding a new chapter to Title 50 RCW; creating new sections; repealing RCW 28B.50.055, 28C.15.010, 28C.15.020, 28C.15.030, 28C.15.900, 28C.04.015, 28C.04.024, 28C.04.035, and 28C.04.045; decodifying RCW 28B.50.300; providing effective dates; and declaring an emergency."

Signed by Representatives Jacobsen, Chair; Ogden, Vice Chair; Wood, Ranking Minority Member; May, Assistant Ranking Minority Member; Basich; Dellwo; Fraser; Ludwig; Prince; Sheldon; and Spanel.

MINORITY recommendation: Do not pass. Signed by Representatives Miller and Van Luyen.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5188 Prime Sponsor, Committee on Commerce & Labor: Providing for tenant eviction and rental and storage costs for mobile home landlords. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) Upon abandonment of a mobile home by a tenant or eviction of a tenant from a mobile home park space where the mobile home occupying that space is not subject to RCW 59.20.074, the landlord may store the mobile home on the mobile home lot or in the mobile park until removal of the mobile home as provided by law. The landlord may charge rent and reasonable expenses in the amount set forth in the rental agreement for occupancy of the mobile home lot or any other area in the mobile home park by the mobile home. Any rent or other reasonable expenses owed to the landlord pursuant to this section shall be paid to the landlord prior to removal of the mobile home from the mobile home park.

(2) This section shall not affect the availability of a landlord's lien as provided in chapter 60.72 RCW.

(3) For purposes of this section, "reasonable expenses" means any routine maintenance and utility charges for which the tenant is liable under the rental agreement.

NEW SECTION. Sec. 2. (1) Rules and regulations are enforceable against a tenant only if:

(a) Their purpose is to promote the convenience, safety, or welfare of the residents, protect and preserve the premises from abusive use, or make a fair distribution of services and facilities made available for the tenants generally;

(b) They are reasonably related to the purpose for which they are adopted;

(c) They apply to all tenants in a fair manner;

(d) They are not for the purpose of evading an obligation of the landlord;

(e) They are not retaliatory or discriminatory in nature; and

(f) They are sufficiently explicit in prohibition, direction, or limitation of the tenants' conduct to fairly inform the tenants of what the tenants must do to comply.

(2) At least thirty days' written notice must be provided to all tenants in the mobile home park before any changes, additions, deletions, or amendments to the rules and regulations can become effective unless the tenants consent.

NEW SECTION. Sec. 3. If the tenant fails to comply with RCW 59.20.140, and the noncompliance can substantially affect the health and safety of the tenant or other tenants, or substantially increase the hazards of fire or accident that can be remedied by repair, replacement of a damaged item, or cleaning, the tenant shall comply within fifteen days after the sending of written notice by the landlord specifying the noncompliance, or, in the case of emergency as promptly as conditions require. If the tenant fails to remedy the condition in noncompliance within that period the landlord may enter the mobile home lot and cause the work to be done in a skillful manner, and submit an itemized bill of the actual and reasonable cost of repair. The bill may be made payable on the next date when periodic rent is due, or on terms that are mutually agreed to by the landlord and tenant, or immediately if the tenancy is terminated.

NEW SECTION. Sec. 4. A tenant may not sublet or assign his or her tenancy in the mobile home park without the express written consent of the landlord unless a greater right is conferred in the rental agreement. The landlord shall approve or disapprove of the subletting or the assignment on the same basis that the landlord approves or disapproves of any new tenant. Notice of approval or disapproval shall be given in writing within five working days of receiving a written request from the tenant. The landlord may not unreasonably withhold consent. Transfers of rental agreements when the tenant sells or transfers title of the mobile home are governed by RCW 59.20.073.

NEW SECTION. Sec. 5. (1) If a court finds as a matter of law that:

(a) A rental agreement, or any clause of it, was unconscionable at the time it was made, it may refuse to enforce the rental agreement or it may enforce the remainder of the rental agreement without the unconscionable clause. The court may also limit the application of the unconscionable clause to avoid any unconscionable result.

(b) A settlement in which a party waives or agrees to forego a claim or right under this chapter or under the rental agreement was unconscionable at the time it was made, the court may refuse to enforce the settlement, or it may enforce the remainder of the settlement without the unconscionable provision. The court may also limit the application of any unconscionable provision to avoid an unconscionable result.

(2) When it is claimed or appears to the court that the rental agreement or settlement, or any clause of it, may be unconscionable, the parties shall be afforded an opportunity to present evidence as to the setting, purpose, and effect to aid the court in making its determination.

NEW SECTION. Sec. 6. If a landlord intentionally causes the termination or interruption of any tenant's utility services, including water, heat, electricity, or gas, except when an interruption of a reasonable duration is required to make necessary repairs, then the tenant may require the restoration of the utility services or terminate the rental agreement, and in either case maintain an action for damages. Damages shall be

the actual damages sustained, and up to one hundred dollars for each day or part thereof the tenant is deprived of any utility service.

A landlord shall give the tenants at least twenty-four hours' notice in writing whenever possible when planned repairs of a utility service which the mobile home park provides will cause an interruption of the utility service.

It shall be unlawful for a tenant to intentionally cause the termination or interruption of utility services provided by the landlord, including water, heat, electricity, or gas, excepting as resulting from the normal occupancy of the premises. If a tenant intentionally causes the termination or interruption of utility services in violation of this section, the tenant shall be liable for any actual damages sustained, and up to one hundred dollars for each day or part thereof that the utility services are unavailable.

NEW SECTION. Sec. 7. (1) If a landlord uses a rental agreement containing provisions known by the landlord to be prohibited under RCW 59.20.060(2), then the tenant may recover actual damages sustained or one hundred dollars, whichever is greater.

(2) If a landlord violates the right of entry provided in RCW 59.20.130(7), after receiving notice from the tenant in writing of a violation of this right, then the tenant may recover actual damages or one hundred dollars, whichever is greater, for each violation.

(3) If a landlord retaliates against a tenant in violation of RCW 59.20.070(4), a court in its discretion may award an amount not to exceed five hundred dollars for each violation in addition to actual damages sustained.

(4) If a landlord violates other provisions of RCW 59.20.070, then the tenant may recover actual damages or one hundred dollars, whichever is greater, for each violation.

(5) A tenant may recover his or her actual damages when the landlord violates other provisions of this chapter.

NEW SECTION. Sec. 8. Any person who violates the terms of a restraining order or an injunction issued by a court to prevent violations of this chapter, or any of the terms of an assurance of voluntary compliance duly filed in court, shall pay to the court a civil penalty not to exceed one thousand dollars for each violation. For the purposes of this section, the court issuing the restraining order or injunction, or in which an assurance of voluntary compliance is filed, shall retain jurisdiction over the action.

NEW SECTION. Sec. 9. The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act prohibited or declared to be unlawful in this chapter. The prevailing party may, in the discretion of the court, recover the costs of the action including a reasonable attorney's fee.

Sec. 10. RCW 59.20.080 and 1989 c 201 s 12 are each amended to read as follows:

(1) (~~Except as provided in subsection (2) of this section, the~~) A landlord shall not terminate a tenancy, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of the tenancy, and that the tenant shall vacate the premises within fifteen days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes or mobile home living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants twelve months' notice in advance of the effective date of such change, except that for the period of six months following April 28, 1989, the landlord shall give the tenants eighteen months' notice in advance of the proposed effective date of such change;

(f) Engaging in "drug-related activity." "Drug-related activity" means that activity which constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW. A park owner seeking to evict a tenant pursuant to this subsection need not produce evidence of a criminal conviction, even if the alleged misconduct constitutes a criminal offense. Notice from a law enforcement agency of drug activity pursuant to RCW 59.20.155 shall constitute sufficient grounds, but not the only grounds, for an eviction under this subsection. If drug-related activity is alleged to be a basis of termination, the park owner may proceed directly to an unlawful detainer action; or

(g) The tenant's application for tenancy contained a material misstatement which induced the park owner to approve the tenant as a resident of the park, and the park owner discovers and acts upon the misstatement within one year of the time the resident began paying rent.

~~(2) ((A landlord may terminate any tenancy without cause. Such termination shall be effective twelve months from the date the landlord serves notice of termination upon the tenant or at the end of the current tenancy, whichever is later: PROVIDED, That a landlord shall not terminate a tenancy for any reason or basis which is prohibited under RCW 59.20.070 (3) or (4) or is intended to circumvent the provisions of (1)(e) of this section.~~

~~(3)) Within five days of a notice of eviction as required by subsection (1)(a) ((or (2))) of this section, the landlord and tenant shall submit any dispute((, including the decision to terminate the tenancy without cause,)) to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section((, or for a period of thirty days for an eviction under subsection (2) of this section)). It is a defense to an eviction under subsection (1)(a) ((or (2))) of this section that a landlord did not participate in the mediation process in good faith.~~

Sec. 11. RCW 59.20.090 and 1980 c 152 s 2 are each amended to read as follows:

(1) Unless otherwise agreed rental agreements shall be for a term of one year. Any rental agreement of whatever duration shall be automatically renewed for the term of the original rental agreement, unless((

(a)) a different specified term is agreed upon((; or

(b) The landlord serves notice of termination without cause upon the tenant prior to the expiration of the rental agreement: PROVIDED, That under such circumstances, at the expiration of the prior rental agreement the tenant shall be considered a month-to-month tenant upon the same terms as in the prior rental agreement until the tenancy is terminated)).

(2) A landlord seeking to increase the rent upon expiration of the term of a rental agreement of any duration shall notify the tenant in writing three months prior to the effective date of any increase in rent(~~:- PROVIDED, That if a landlord serves a tenant with notice of a rental increase at the same time or subsequent to serving the tenant with notice of termination without cause, such rental increase shall not become effective until the date the tenant is required to vacate the leased premises pursuant to the notice of termination or three months from the date notice of rental increase is served, whichever is later~~)).

(3) A tenant shall notify the landlord in writing one month prior to the expiration of a rental agreement of an intention not to renew.

(4)(a) The tenant may terminate the rental agreement upon thirty days written notice whenever a change in the location of the tenant's employment requires a change in his residence, and shall not be liable for rental following such termination unless after due diligence and reasonable effort the landlord is not able to rent the mobile home lot at a fair rental. If the landlord is not able to rent the lot, the tenant shall remain liable for the rental specified in the rental agreement until the lot is rented or the original term ends;

(b) Any tenant who is a member of the armed forces may terminate a rental agreement with less than thirty days notice if he receives reassignment orders which do not allow greater notice.

NEW SECTION. Sec. 12. A new section is added to chapter 48.18 RCW to read as follows:

Any application taken for property insurance covering a mobile home situated in a mobile home park shall include the name and address of the mobile home park owner. Contemporaneous with the payment of any claim for physical damage to the insured mobile home, the insurer shall notify the owner of the mobile home park, in writing, of such payment.

NEW SECTION. Sec. 13. Sections 1 through 9 of this act are each added to chapter 59.20 RCW.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "relations;" strike the remainder of the title and insert "amending RCW 59.20.080 and 59.20.090; adding a new section to chapter 48.18 RCW; adding new sections to chapter 59.20 RCW; and prescribing penalties."

Signed by Representatives Nelson, Chair; Franklin, Vice Chair; Mitchell, Ranking Minority Member; Winsley, Assistant Ranking Minority Member; Ballard; Leonard; Ogden; and Wineberry.

Passed to Committee on Rules for second reading.

April 5, 1991

SSB 5202 Prime Sponsor, Committee on Law & Justice: Changing provisions relating to civil judgments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Paris, Assistant Ranking Minority Member; Belcher; Hargrove; R. Meyers; H. Myers; Riley; Scott; Vance; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Ludwig, Vice Chair; Padden, Ranking Minority Member; Broback; Forner; Inslee; Mielke; D. Sommers; and Tate.

Passed to Committee on Rules for second reading.

April 5, 1991

SB 5231 Prime Sponsor, Senator McCaslin: Providing that examinations not be required for real estate licensees' continuing education. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 1, at the beginning of line 6, insert "(1)"

On page 1, after line 13, insert the following:

"(2) Any individual holding a lapsed real estate broker's or salesperson's license shall have his or her license reactivated upon providing proof to the director that the individual has completed sixty clock hours of state-approved continuing education coursework. The individual shall not be required to take an examination in order to have the license reactivated."

(3)"

On page 2, line 1, after "section," insert the following:

"(4)"

On page 2, line 1, after "dates" insert "and reactivation of licenses"

Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; and Wilson.

Excused: Representatives Vance and Wilson.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5237 Prime Sponsor, Committee on Transportation: Requiring large, slow vehicles to keep right. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; R. Meyers, Vice Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Brough; Cantwell; Cooper; Day; G. Fisher; Forner; Haugen; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives Cantwell; Heavey; Nelson; Prince; and Zellinsky.

Passed to Committee on Rules for second reading.

April 5, 1991

SB 5241 Prime Sponsor, Senator Newhouse: Providing for public hospital district chaplains. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 70.44 RCW to read as follows:

Public hospital districts may employ chaplains for their hospitals, health care facilities, and hospice programs.

NEW SECTION. Sec. 2. This act shall take effect on January 1, 1992, if the proposed amendment to Article I, section 11 of the state Constitution authorizing the legislature to permit public hospital districts to employ chaplains is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not so approved and ratified, this act is void in its entirety.

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "adding a new section to chapter 70.44 RCW; and providing a contingent effective date."

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Passed to Committee on Rules for second reading.

April 3, 1991

SSB 5261 Prime Sponsor, Committee on Education: Requiring new schools to have automatic fire equipment. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Betzoff; Broback; Cole; Dorn; Holland; P. Johnson; Jones; Neher; Orr; Phillips; Rasmussen; Roland; and Valle.

Excused: Representatives Brumsickle and H. Sommers.

Referred to Committee on Capital Facilities & Financing.

April 5, 1991

SSB 5261 Prime Sponsor, Committee on Education: Requiring new schools to have automatic fire equipment. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schmidt, Ranking Minority Member;

Neher, Assistant Ranking Minority Member; Brough; Casada; Fraser; Jacobsen; Ogden; Peery; Silver; and Wang.

Excused: Representatives Beck; Braddock; Brough; and Heavey.

Passed to Committee on Rules for second reading.

April 4, 1991

SB 5264 Prime Sponsor, Senator Oke: Authorizing the department of natural resources to establish a program in community and urban forestry. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature hereby finds and declares that:

(1) Trees and other woody vegetation are a necessary and important part of community and urban environments. Community and urban forests have many values and uses including conserving energy, reducing air and water pollution and soil erosion, contributing to property values, attracting business, reducing glare and noise, providing aesthetic and historical values, providing wood products, and affording comfort and protection for humans and wildlife.

(2) As urban and community areas in Washington state grow, the need to plan for and protect community and urban forests increases. Cities and communities benefit from assistance in developing and maintaining community and urban forestry programs that also address future growth.

(3) Assistance and encouragement in establishment, retention, and enhancement of these forests and trees by local governments, citizens, organizations, and professionals are in the interest of the state based on the contributions these forests make in preserving and enhancing the quality of life of Washington's municipalities and counties while providing opportunities for economic development.

NEW SECTION. Sec. 2. The purpose of this chapter is to:

(1) Encourage planting and maintenance and management of trees in the state's municipalities and counties and maximize the potential of tree and vegetative cover in improving the quality of the environment.

(2) Encourage the coordination of state and local agency activities and maximize citizen participation in the development and implementation of community and urban forestry-related programs.

(3) Foster healthy economic activity for the state's community and urban forestry-related businesses through cooperative and supportive contracts with the private business sector.

(4) Facilitate the creation of employment opportunities related to community and urban forestry activities including opportunities for inner city youth to learn teamwork, resource conservation, environmental appreciation, and job skills.

(5) Provide meaningful voluntary opportunities for the state's citizens and organizations interested in community and urban forestry activities.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of natural resources.

(2) "Person" means an individual, partnership, private or public municipal corporation, Indian tribe, state entity, county or local governmental entity, or association of individuals of whatever nature.

(3) "Community and urban forest" is that land in and around human settlements ranging from small communities to metropolitan areas, occupied or potentially occupied by trees and associated vegetation. Community and urban forest land may be planted or unplanted, used or unused, and includes public and private lands, lands along transportation and utility corridors, and forested watershed lands within populated areas.

(4) "Community and urban forestry" means the planning, establishment, protection, care, and management of trees and associated plants individually, in small groups, or under forest conditions within municipalities and counties.

(5) "Municipality" means a city, town, port district, public school district, community college district, irrigation district, weed control district, park district, or other political subdivision of the state.

NEW SECTION. Sec. 4. (1) The department may establish and maintain a program in community and urban forestry to accomplish the purpose stated in section 2 of this act. The department may assist municipalities and counties in establishing and maintaining community and urban forestry programs and encourage persons to engage in appropriate and improved tree management and care.

(2) The department may advise, encourage, and assist municipalities, counties, and other public and private entities in the development and coordination of policies, programs, and activities for the promotion of community and urban forestry.

(3) The department may appoint a committee or council to advise the department in establishing and carrying out a program in community and urban forestry.

(4) The department may assist municipal and county tree maintenance programs by making surplus equipment available on loan where feasible for community and urban forestry programs and cooperative projects.

NEW SECTION. Sec. 5. The department may:

(1) Receive and disburse any and all moneys contributed, allotted, or paid by the United States under authority of any act of congress for the purposes of this chapter. ¶ Receive such gifts, grants, bequests, and endowments and donations of labor, material, seedlings, and equipment from public or private sources as may be made for the purpose of carrying out the provisions of this chapter, and may spend the gifts, grants, bequests, endowments, and donations as well as other moneys from public or private sources.

(3) Charge fees for attendance at workshops and conferences, and for various publications and other materials that the department may prepare.

(4) Enter into agreements and contracts with persons having community and urban forestry-related responsibilities.

NEW SECTION. Sec. 6. The department shall assume the primary responsibility of carrying out this chapter and shall cooperate with other private and public, state and federal persons, any agency of another state, the United States, any agency of the United States, or any agency or province of Canada.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 76 RCW.

On page 1, line 1 of the title, after "forestry;" strike the remainder of the title and insert "and adding a new chapter to Title 76 RCW."

Signed by Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Hargrove; Morton; Riley; Sheldon; and Wynne.

Passed to Committee on Rules for second reading.

April 2, 1991

SSB 5266 Prime Sponsor, Committee on Law & Justice: Restructuring penalties for driving while suspended. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Hargrove; Insee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Ludwig, Vice Chair; Forner; Locke; and Wineberry.

Passed to Committee on Rules for second reading.

April 5, 1991

ESSB 5269 Prime Sponsor, Committee on Environment & Natural Resources: Eliminating waste disposal requirements for certain net pens. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; Fuhrman, Assistant Ranking Minority Member; Basich; Hochstatter; Orr; and Padden.

MINORITY recommendation: Do not pass. Signed by Representatives Wilson, Ranking Minority Member; Cole; Haugen; and Spanel.

Passed to Committee on Rules for second reading.

April 5, 1991

SSB 5295 Prime Sponsor, Committee on Transportation: Requiring identification on big trucks. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

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

Sec. 2. RCW 81.80.300 and 1985 c 7 s 152 are each amended to read as follows:

The commission shall prescribe an identification cab card and identification decal or stamp or number which must be carried within the cab of each motive power vehicle of each motor carrier required to have a permit under this chapter.

The identification cab card and the decal or stamp or number provided for herein may be in such form and contain such information as required by the commission.

It shall be unlawful for any "common carrier" or "contract carrier" to operate any motor vehicle within this state unless there is carried within the cab of the motive power vehicle, either operating as a solo vehicle or in combination with trailers, the identification cab card and decal or stamp or number required by this section and the payment by such carrier of a total fee of ~~((three))~~ up to ten dollars for each such decal or stamp or number plus the applicable gross weight fee prescribed by RCW 81.80.320:

PROVIDED, That as to equipment operated between points in this state and points outside the state exclusively in interstate commerce, and as to equipment operated between points in this state and points outside the state in interstate commerce as well as points within this state in intrastate commerce, the commission may adopt rules and regulations specifying an alternative schedule of fees to that specified in RCW 81.80.320 as it may find to be reasonable and specifying the method of evidencing payment of such fees.

The commission may adopt rules and regulations imposing a reduced schedule of fees for short term operations, requiring reports of carriers, and imposing such conditions as the public interest may require with respect to the operation of such vehicles.

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.020 for any fees collected under this chapter.

The decal or stamp or number required herein shall be issued annually under the rules and regulations of the commission, and shall be affixed to the identification cab card required by this section not later than February 1st of each year: PROVIDED, That such decal or stamp or number may be issued for the ensuing calendar year on and after the first day of November preceding and may be used from the date of issue until February 1st of the succeeding calendar year for which the same was issued.

It shall be unlawful for the owner of said permit, his agent, servant or employee, or any other person to use or display any identification cab card and decal or stamp or number, the permit number or other insignia of authority from the commission after said permit has expired, been canceled or disposed of, or to operate any vehicle under permit without such identification cab card and decal or stamp or number.

The commission shall collect all fees provided in this section, and all such fees shall be deposited in the state treasury to the credit of the public service revolving fund.

In line 1 of the title, after "trucks;" insert "amending RCW 81.80.300;"

Signed by Representatives R. Fisher, Chair; R. Meyers, Vice Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Brough; Cantwell; Cooper; Day; G. Fisher; Forner; Haugen; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

Excused: Representatives R. Meyers, Vice Chair; Cantwell; Heavey; Nelson; Prince; and Zellinsky.

Passed to Committee on Rules for second reading.

April 3, 1991

SSB 5301 Prime Sponsor, Committee on Governmental Operations:
Authorizing certain cities and counties bordering the Pacific Ocean
to levy a special excise tax to provide funding for public facilities.
Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Wood; Wynne; and Zellinsky.

Excused: Representatives Cooper, Vice Chair; Horn; Rayburn; and Roland.

Referred to Committee on Revenue.

April 3, 1991

SSB 5305 Prime Sponsor, Committee on Education: Conditioning the reduction of a student's suspension on the commencement of counseling. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Betzoff; Broback; Cole; Dorn; Holland; P. Johnson; Jones; Neher; Orr; Phillips; Rasmussen; Roland; and Valle.

Excused: Representatives Brumsickle and H. Sommers.

Passed to Committee on Rules for second reading.

April 5, 1991

ESSB 5318 Prime Sponsor, Committee on Financial Institutions & Insurance: Prescribing penalties for money laundering. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A joint select committee on money laundering shall study criminal money laundering activity and report its findings, and any recommended legislation, to the legislature on or before December 31, 1991. The joint select committee on money laundering shall consist of eight members, four senators, two from each of the major caucuses, who are appointed by the president of the senate, and four representatives, two from each of the major caucuses, who are appointed by the speaker of the house.

The study shall include input from interested parties, including the criminal defense bar, prosecutors, the attorney general's office, business and professional groups, and state and federal law enforcement agencies."

On page 1, line 1 of the title, after "laundering;" strike the remainder of the title and insert "and creating a new section."

Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Broback, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Anderson; Insee; R. Johnson; R. Meyers; Paris; Schmidt; and Winsley.

Excused: Representatives Dorn and Scott.

Passed to Committee on Rules for second reading.

April 5, 1991

SSB 5332 Prime Sponsor, Committee on Health & Long-Term Care: Providing residential care for disabled persons. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 79.01 RCW to read as follows:

(1) Every five years the department of social and health services and other state agencies that operate institutions shall conduct an inventory of all real property subject to the charitable, educational, penal, and reformatory institution account and other real property acquired for institutional purposes or for the benefit of the blind, deaf, mentally ill, developmentally disabled, or otherwise disabled. The inventory shall identify which of those real properties are not needed for state-provided residential care, custody, or treatment. By December 1, 1992, and every five years thereafter the department shall report the results of the inventory to the house of representatives committee on capital facilities and financing, the senate committee on ways and means, and the legislative budget committee.

(2) Real property identified as not needed for state-provided residential care, custody, or treatment shall be transferred to the corpus of the charitable, educational, penal, and reformatory institution account. This subsection shall not apply to real property subject to binding conditions that conflict with the other provisions of this subsection.

(3) The department of natural resources shall manage all property subject to the charitable, educational, penal, and reformatory institution account and, in consultation with the department of social and health services and other affected agencies, shall adopt a plan for the management of real property subject to the account and other real property acquired for institutional purposes or for the benefit of the blind, deaf, mentally ill, developmentally disabled, or otherwise disabled.

(a) The plan shall be consistent with state trust land policies and shall be compatible with the needs of institutions adjacent to real property subject to the plan.

(b) The plan may be modified as necessary to ensure the quality of future management and to address the acquisition of additional real property.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

The department shall conduct an inventory of real properties as provided in section 1 of this act.

Sec. 3. RCW 43.79.201 and 1985 c 57 s 37 are each amended to read as follows:

(1) All moneys in the state treasury to the credit of that fund now denoted as the C.E.P. & R.I. fund on and after March 20, 1961, and all moneys thereafter paid into the state treasury for or to the credit of such fund shall be and are hereby transferred to and placed in the charitable, educational, penal and reformatory institutions account, hereby created, in the state treasury, into which fund there shall also be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893. All earnings of investments of balances in the charitable, educational, penal and reformatory institutions account shall be credited to the (~~general fund~~) account.

(2) If feasible, not less than one-half of all income to the charitable, educational, penal, and reformatory institutions account shall be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for persons who are mentally ill, developmentally disabled, or youth who are blind, deaf, or otherwise disabled.

Sec. 4. RCW 43.185.110 and 1987 c 513 s 3 are each amended to read as follows:

The director shall prepare an annual report and shall send copies to the chair of the house of representatives committee on housing, the chair of the senate committee on commerce and labor, and one copy to the staff of each committee that summarizes the housing trust fund's income, grants and operating expenses, implementation of its program, and any problems arising in the administration thereof. The director shall promptly appoint a low-income housing assistance advisory committee composed of a representative from each of the following groups: Apartment owners, realtors, mortgage lending or servicing institutions, private nonprofit housing assistance programs, tenant associations, and public housing assistance programs. The advisory group shall advise the director on housing needs in this state, including housing needs for persons who are mentally ill or developmentally disabled or youth who are blind or deaf or otherwise disabled, operational aspects of the grant and loan program or revenue collection programs established by this chapter, and implementation of the policy and goals of this chapter. Such advice shall be consistent with policies and plans developed by regional support networks according to chapter 71.24 RCW for the mentally ill and the developmental disabilities planning council for the developmentally disabled.

NEW SECTION. Sec. 5. A new section is added to chapter 79.01 RCW to read as follows:

Where C.E.P. & R.I. land has the potential for lease for commercial, industrial, or residential uses or other uses with the potential for high economic return and is within urban or suburban areas, the department of natural resources shall make every effort consistent with trust land management principles and all other provisions of law to lease the lands for such purposes, unless the land is subject to a lease to a state agency operating an existing state institution. The department of natural resources is authorized, subject to approval by the board of natural resources and only if a higher return can be realized, to exchange such lands for lands of at least equal value and to sell such lands and use the proceeds to acquire replacement lands. The department shall report to the appropriate legislative committees all C.E.P. & R.I. land purchased, sold, or exchanged. Income from the leases shall be deposited in the charitable, educational, penal, and reformatory institutions account. The legislature shall give priority consideration to appropriating one-half of the money derived from lease income to providing community housing for persons who are mentally ill, developmentally disabled, or youth who are blind, deaf, or otherwise disabled.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 43.79.201 and 43.185.110; adding new sections to chapter 79.01 RCW; adding a new section to chapter 43.20A RCW; and declaring an emergency."

Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schmidt, Ranking Minority Member; Neher, Assistant Ranking Minority Member; Brough; Casada; Fraser; Jacobsen; Ogden; Peery; Silver; and Wang.

Excused: Representatives Beck; Braddock; and Heavey.

Passed to Committee on Rules for second reading.

April 5, 1991

2SSB 5341 Prime Sponsor, Committee on Ways & Means: Providing liability insurance to foster parents. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes the unique legal risks that foster parents face in taking children into their care. Third parties have filed claims against foster parents for losses and damage caused by foster children. Additionally, foster children and their parents have sued foster parents for actions occurring while the children were in foster care. The legislature finds that some potential foster parents are unwilling to subject themselves to potential liability without insurance protection. The legislature further finds that to encourage those people to serve as foster parents, it is necessary to assure that such insurance is available to them.

NEW SECTION. Sec. 2. A new section is added to chapter 74.14B RCW to read as follows:

(1) Subject to subsection (2) of this section, the secretary of social and health services shall provide liability insurance to foster parents licensed under chapter 74.15 RCW. The coverage shall be for personal injury and property damage caused by foster parents or foster children that occurred while the children were in foster care. Such insurance shall cover acts of ordinary negligence but shall not cover illegal conduct or bad faith acts taken by foster parents in providing foster care. Moneys paid from liability insurance for any claim are limited to the amount by which the claim exceeds the amount available to the claimant from any valid and collectible liability insurance.

(2) The secretary of social and health services may purchase the insurance required in subsection (1) of this section or may choose a self-insurance method. The total moneys expended pursuant to this authorization shall not exceed five hundred thousand dollars per biennium. If the secretary elects a method of self-insurance, the expenditure shall include all administrative and staff costs. If the secretary elects a method of self-insurance, he or she may, by rule, place a limit on the maximum amount to be paid on each claim.

(3) Nothing in this section or section 3 of this act is intended to modify the foster parent reimbursement plan in place on the effective date of this act.

(4) The liability insurance program shall be available by July 1, 1991.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

In actions for personal injury or property damage commenced by foster children or their parents against foster parents licensed pursuant to chapter 74.15 RCW, the liability of foster parents for the care and supervision of foster children shall be the same as the liability of biological and adoptive parents for the care and supervision of their children.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On page 1, line 1 of the title, after "parents;" strike the remainder of the title and insert "adding a new section to chapter 74.14B RCW; adding a new section to chapter

4.24 RCW; creating new sections; providing an effective date; and declaring an emergency."

Signed by Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Passed to Committee on Rules for second reading.

April 5, 1991

SSB 5342 Prime Sponsor, Committee on Commerce & Labor: Authorizing payment by annuity by self-insured employers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 51.44.070 and 1989 c 190 s 1 are each amended to read as follows:

(1) For every case resulting in death or permanent total disability the department shall transfer on its books from the accident fund of the proper class and/or appropriate account to the "reserve fund" a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this title provided to be made for the case. Such annuity values shall be based upon rates of mortality, disability, remarriage, and interest as determined by the department, taking into account the experience of the reserve fund in such respects.

Similarly, a self-insurer in these circumstances shall pay into the reserve fund a sum of money computed in the same manner, and the disbursements therefrom shall be made as in other cases.

(2) As an alternative to payment procedures otherwise provided under law, in the event of death or permanent total disability to workers of self-insured employers, a self-insured employer may upon establishment of such obligation file with the department a bond, ((øf)) an assignment of account from a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington, or purchase an annuity, in an amount deemed by the department to be reasonably sufficient to insure payment of the pension benefits provided by law. Any purchase of an annuity shall be from an institution meeting the following minimum requirements: (a) The institution must be rated no less than "A+" by A.M. Best, and no less than "AA" by Moody's and by Standard & Poor's; (b) the value of the assets of the institution must not be less than ten billion dollars; (c) not more than ten percent of the institution's assets may include bonds that are rated less than "BBB" by Moody's and Standard & Poor's; (d) not more than five percent of the assets may be held as equity in real estate; and (e) not more than twenty-five percent of the assets may be first mortgages, and not more than five percent may be second mortgages. The department shall adopt rules governing assignments of account and annuities. Such rules shall ensure that the funds are available if needed, even in the case of failure of the banking institution, the institution authorized to provide annuities, or ((øf)) the employer's business.

The annuity value for every such case shall be determined by the department based upon the department's experience as to rates of mortality, disability, remarriage, and interest. The amount of the required bond ((øf)), assignment of account, or annuity may be reviewed and adjusted periodically by the department, based upon periodic redeterminations by the department as to the outstanding annuity value for the case.

~~Under such alternative, the department shall ((make the monthly payments from the pension reserve fund for the benefits provided for by RCW 51.32.050 and 51.32.060 to the self-insured beneficiary or beneficiaries and the department shall be reimbursed for all such payments from the particular self-insured employer through periodic charges not less than quarterly in a manner to be determined by the director.~~

~~Any self-insured employer electing this alternative method of providing for payment)) administer the payment of this obligation to the beneficiary or beneficiaries. The department shall be reimbursed for all such payments from the self-insured employer through periodic charges not less than quarterly in a manner to be determined by the director. The self-insured employer shall additionally pay to the department a deposit equal to the first three months' payments otherwise required under RCW 51.32.050 and 51.32.060. Such deposit shall be placed in the reserve fund in accordance with RCW 51.44.140 and shall be returned to the respective self-insured employer when monthly payments are no longer required for such particular obligation.~~

If a self-insurer delays or refuses to reimburse the department beyond fifteen days after the reimbursement charges become due, there shall be a penalty paid by the self-insurer upon order of the director of an additional amount equal to twenty-five percent of the amount then due which shall be paid into the pension reserve fund. Such an order shall conform to the requirements of RCW 51.52.050.

On page 1, line 1 of the title, after "employers;" strike the remainder of the title and insert "and amending RCW 51.44.070."

Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; and Wilson.

Excused: Representatives O'Brien; Vance; and Wilson.

Passed to Committee on Rules for second reading.

April 5, 1991

SB 5345 Prime Sponsor, Senator Matson: Allowing self-insured employers to close disability claims after July 1990. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line, 8, after "1986," strike "and before July 1, 1990," and insert "((and before July 1, 1990,))"

Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; and Wilson.

Excused: Representative Vance.

Passed to Committee on Rules for second reading.

April 2, 1991

SSB 5346 Prime Sponsor, Committee on Law & Justice: Defining the crime of communication with a minor for immoral purposes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Hargrove; Insee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Ludwig, Vice Chair; Forner; Locke; and Wineberry.

Passed to Committee on Rules for second reading.

April 4, 1991

2SSB 5347 Prime Sponsor, Committee on Ways & Means: Establishing regional health promotion and disease prevention programs. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the current system of health care and public health has been successful in identifying and reducing many communicable diseases that were major public health threats in years past but has not made efforts to reduce death and disability from preventable noncommunicable diseases. The leading cause of preventable death in our state is tobacco use. Washington business has provided leadership in the adult community by implementing smoke-free environments and cessation programs and Washington citizens eliminated tobacco use on public school property. However, the legislature recognizes the remaining high rate of tobacco-caused disease among ethnic minority populations, and smoking prevalence by youth and young pregnant women in our state. It is imperative that prevention efforts be developed and implemented.

The legislature acknowledges the United States surgeon general's findings that nicotine is the active drug in tobacco rendering it as addictive as heroin and cocaine. The vast majority of new smokers are teenagers or younger children. The earlier a child starts using tobacco the more likely that he or she will be unable to quit. Washington state has no organized effort to discourage children from using tobacco.

The legislature finds that access to tobacco by minors is a major problem. Youth obtain tobacco products with ease. Tobacco products that are provided free or at nominal charge are likely to fall into the hands of youth and the sale of single cigarettes are more affordable to youth. The present system of prohibiting sales of tobacco to minors has proven significantly defective. It is imperative to enforce the prohibition of sales to minors.

The legislature finds that scientific evidence demonstrates that environmental tobacco smoke causes lung cancer and is a contributor to indoor air pollution, increasing the risk of disease and disability among nonsmoking adults and children.

The most effective state, regional, and local strategy for reducing the impact of tobacco use is through the collaborative efforts of educators, business, local, state, and

tribal government officials, local health and community agencies, ethnic minority groups, law enforcement, health care providers, and concerned community and citizen groups to promote healthy lifestyles and tobacco-free environments.

NEW SECTION. Sec. 2. The purpose of this chapter is to prevent tobacco-caused disease by reducing the use of and subsequent addiction to tobacco by youth and to promote tobacco reduction programs. The legislature intends to support the development of community and state efforts to reduce the effects of tobacco use by:

- (1) Regulating the sale, distribution, and sampling of tobacco products to minors;
- (2) Conducting a state-wide advertising and public awareness campaign informing youth and their families about the negative health effects of using tobacco; and
- (3) Providing funding for prevention, education, cessation programs, and activities identified by communities that have brought together local leadership and interested citizens, to help reduce tobacco use and addiction. The department shall provide assistance and support to help communities develop and carry out effective intervention strategies and implement tobacco control programs.

NEW SECTION. Sec. 3. The definitions set forth in this section apply throughout this chapter.

- (1) "Department" means the state department of health.
- (2) "Minor" means an individual who is less than eighteen years old.
- (3) "Package" means a pack, box, or container of any kind in which a tobacco product is offered for sale, sold, or otherwise distributed.
- (4) "Person" means an individual, partnership, corporation, or other business or legal entity and includes the state or any political subdivision of the state.
- (5) "Regional program" means a program developed by two or more mutually agreed counties approved by the department to address the purposes of this chapter.
- (6) "Retailer" means a person, firm, association, company, partnership, or corporation who operates a store, stand, booth, concession, or other place at which sales are made to purchasers for consumption or use.
- (7) "Vending machine" means a machine or device designated for or used for the vending of cigarettes, cigars, tobacco, or tobacco products upon the insertion of coins, trade checks, or slugs.

NEW SECTION. Sec. 4. The department of health shall collaborate with entities within state, local, tribal, and federal governments, and public and private agencies to use available information and resources to carry out the following:

- (1) Identify and monitor the leading causes of death and disease caused by tobacco;
- (2) Identify trends, geographic areas, and population groups at risk for preventable tobacco-related disease;
- (3) Establish a culturally relevant broad public media and education campaign designed to prevent tobacco use among children, teenagers, pregnant women, and other high-risk groups;
- (4) Act as a clearinghouse for tobacco-related policy and information including referral services to cessation programs and information on effective prevention programs for health care providers, business and industry, schools, and the general public;
- (5) Evaluate, monitor, and report on the impact of tobacco use intervention efforts state-wide;
- (6) Request and receive funds, gifts, grants, or appropriations from the legislature, the federal government, or private sources to pursue the department's duties under this chapter; and
- (7) Develop, if deemed appropriate, regional health promotion and disease prevention programs that focus on minors who use tobacco.

NEW SECTION. Sec. 5. The legislature finds that a practical method of responding to health problems, including direct access to target populations, is found at the community level.

(1) The department shall, within available funds, provide grants to local communities to develop and implement coordinated tobacco intervention strategies to reduce the incidence and impact of tobacco use. Geographic boundaries for local communities shall be the same as that of local public health departments. In order to receive local community grants, communities must demonstrate a commitment to carrying out a coordinated intervention strategy plan and meet local matching requirements. Intervention strategy plans must involve the active participation by leadership from local public health, education, health care providers, tribal government, law enforcement, business and industry, labor, and other concerned citizens and community groups. In consultation with the state board of health, the department shall develop criteria by which funding allocations are determined for this section.

(2) Grant applications shall be submitted on behalf of the community by the local health department. If the local health department does not wish to participate in submission of a grant application the application may be submitted by a local organization. If a grant application is not received from a local community, the department may work with the community to develop an intervention strategy plan.

(3) Community intervention strategies shall be sensitive to cultural and ethnic differences and shall focus on at least the following:

(a) Education to school-aged children and teenagers;

(b) Strategies focused on high-risk populations;

(c) Increased local and, if deemed appropriate, regional availability of smoking and tobacco use cessation classes and programs;

(d) Distribution of cessation messages and prevention materials to high-risk groups, using local and, if deemed appropriate, regional versions of the state-wide media and marketing campaign; and

(e) Creation of local and, if deemed appropriate, regional coalitions to encourage changes in community attitudes about tobacco use.

(4) The department shall develop criteria for local and, if deemed appropriate, regional match requirements. It shall ensure that contracts for local grants maximize expenditures on developing and implementing tobacco intervention strategies. Grants shall not exceed ninety-five percent of the local tobacco intervention budgets, and the department shall make available to local intervention programs at least twenty-five percent of the total revenues authorized under this chapter. Funds designated for local intervention programs that remain unexpended may be expended on other authorized tobacco intervention strategies.

(5) Local communities and, if deemed appropriate, regions shall not supplant existing financial resources with grants issued under this chapter.

NEW SECTION. Sec. 6. Effective July 1, 1991, no tobacco product may be sold or offered for sale from a vending machine unless the machine is located:

(1) In a portion of a commercial building or industrial plant where the public is expressly prohibited and where no minor employees are usually admitted; or

(2) On any premises or portion thereof to which access by minors is expressly prohibited by law if, and only if, the tobacco vending machine is located fully within such premises from which minors are prohibited and not less than ten feet from all entrance or exit ways.

If an appropriate enforcing agency has reason to believe that a violation of this chapter has occurred, the enforcing agency shall issue an order of noncompliance to the alleged violator, informing the alleged violator that a civil action shall begin in one week if the tobacco vending machine is not removed. If after one week the tobacco vending machine has not been removed, the enforcing agency shall initiate a civil action in superior court to enforce the provisions of this chapter. If the court finds that one or more violations have occurred, the court shall award the prevailing party its costs, including reasonable attorneys' fees. The court may also enjoin future violations and

impose a civil penalty of up to one thousand dollars per violation. For purposes of this section enforcing agencies shall include state and local health departments, local fire departments or fire districts and local law enforcement.

NEW SECTION. Sec. 7. A retailer who sells cigarettes not in the original sealed unopened package upon which revenue stamps are required to be placed under RCW 82.24.030 is guilty of a gross misdemeanor.

NEW SECTION. Sec. 8. A person who gives or provides by a coupon, tobacco products to a person at no cost or at a nominal cost is guilty of a gross misdemeanor, except that a retailer whose annual gross sales from the sale of tobacco products exceeds sixty percent of annual gross sales may distribute single serving samples of tobacco to adults without violating this section.

NEW SECTION. Sec. 9. A retailer or employee who sells or permits to be sold cigarettes or other tobacco products to an individual without requesting and examining identification from the purchaser positively establishing the purchaser's age as eighteen years or greater, unless the seller has some other conclusive basis for determining the buyer is over the age of eighteen years, is guilty of a gross misdemeanor.

For purposes of this section, the purchaser shall be required to present one of the following officially issued cards of identification which shows his or her correct age and bears his or her signature and photograph:

(1) Liquor control authority card of identification of a state or a province of Canada;
 (2) Driver's license, instruction permit, or identification of a state or a province of Canada, or "identocard" issued by the Washington state department of licensing under chapter 46.20 RCW;

(3) United States active duty military identification;

(4) Passport; or

(5) Merchant marine identification card issued by the United States coast guard.

NEW SECTION. Sec. 10. No retailer may sell or permit to be sold, cigarettes or other tobacco products, unless the vending machine or other location at which the cigarettes or other tobacco products are available for purchase is posted with a notice that is clearly visible to anyone purchasing the products, and that states:

IT IS ILLEGAL TO SELL OR PERMIT TO BE SOLD A TOBACCO PRODUCT TO A PERSON UNDER THE AGE OF EIGHTEEN

The notice must be black letters at least one inch in height on a white background. The notice will be made available through the state department of licensing at the time of issuing the state license. A retailer failing to post the notice is guilty of a gross misdemeanor.

NEW SECTION. Sec. 11. The provisions of this chapter shall not preempt any ordinance or rule adopted by any political subdivisions of the state to enact rules governing the retail sale or use of tobacco products, provided that such ordinances or rules are at least as restrictive as those of applicable state law.

NEW SECTION. Sec. 12. A new section is added to chapter 43.20 RCW to read as follows:

The state board of health is authorized to adopt rules to control the retail sale of tobacco products so as to limit the purchase and use of tobacco products by minors. In doing so, prior to rule adoption the board must solicit and consider comments of tobacco product retailers.

NEW SECTION. Sec. 13. A new section is added to chapter 43.70 RCW to read as follows:

The provisions of this chapter may be funded by the following sources: Appropriations from the general fund federal; appropriations from general fund state; gifts; private or public grants; or other appropriate sources.

NEW SECTION. Sec. 14. Sections 1 through 11 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 43.70 RCW; prescribing penalties; providing an effective date; and declaring an emergency."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Edmondson; Franklin; Morris; Paris; Prentice; and Sprenkle.

Excused: Representatives Cantwell and Paris.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5350 Prime Sponsor, Committee on Higher Education: Requiring English proficiency for faculty and graduate assistants involved in classroom teaching. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The Washington state legislature affirms the following principles:

(1) Persons of all nationalities, races, religions, and ethnic backgrounds are welcome and valued in the state of Washington.

(2) The presence of students, faculty, and staff from other countries on Washington's college campuses enriches the educational experience of Washington's students and enhances scholarship and research at the state's colleges and universities.

(3) The educational experience of Washington's college students is significantly enhanced by the cultural diversity and excellent scholarship provided by students, faculty, and staff from other countries.

(4) Washington's college and university students are entitled to excellent instruction at the state's institutions of higher education. Excellent instruction includes the ability to communicate effectively in college classrooms and laboratories.

NEW SECTION. Sec. 2. The governing board of each state university, regional university, state college, and community college shall ensure that the principles described in section 1 of this act are implemented at its institution of higher education.

NEW SECTION. Sec. 3. The council of presidents, in consultation with the higher education coordinating board, shall convene a task force of representatives from the four-year universities and colleges. The task force shall:

(1) Review institutional policies and procedures designed to ensure that faculty and teaching assistants are able to communicate effectively with undergraduate students in classrooms and laboratories;

(2) Research methods and procedures designed to improve the communication and teaching skills of any person funded by state money who instructs undergraduate students in classrooms and laboratories;

(3) Share the results of that research with each participating university and college; and

(4) Work with each participating university and college to assist the institution in its efforts to improve the communication and teaching skills of faculty and teaching assistants instructing undergraduate students.

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "and creating new sections."

Signed by Representatives Jacobsen, Chair; Ogden, Vice Chair; Wood, Ranking Minority Member; May, Assistant Ranking Minority Member; Basich; Dellwo; Fraser; Miller; Prince; Sheldon; Spanel; and Van Luven.

Excused: Representatives Brumsickle and H. Sommers.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5357 Prime Sponsor, Committee on Energy & Utilities: Directing that criteria be established designating individuals or water purveyors as satellite system management agencies. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Hargrove; Morton; Riley; Sheldon; and Wynne.

Passed to Committee on Rules for second reading.

April 5, 1991

2SSB 5358 Prime Sponsor, Committee on Ways & Means: Providing for exchanges of water through interties. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendments:
On page 3, line 15, strike "shall" and insert "may"
On page 3, line 30, strike "shall" and insert "may"

Signed by Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Hargrove; Morton; Riley; Sheldon; and Wynne.

Passed to Committee on Rules for second reading.

April 4, 1991

ESSB 5363 Prime Sponsor, Committee on Law & Justice: Providing for an administrative process for legal financial obligations. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. "EARNINGS," "DISPOSABLE EARNINGS," AND "OBLIGEE" DEFINED. As used in this chapter, the term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, hours, or otherwise, and notwithstanding any other provision of law making such payments exempt from garnishment, attachment, or other process to satisfy court-ordered legal financial obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type. Earnings shall specifically include all gain derived from capital, from labor, or from both, not including profit gained through sale or conversion of capital assets. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount required by law to be withheld. The term "obligee" means the department, party, or entity to whom the legal financial obligation is owed, or the department, party, or entity to whom the right to receive or collect support has been assigned.

Sec. 2. RCW 9.94A.145 and 1989 c 252 s 3 are each amended to read as follows:

(1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs~~(---)~~, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount. Upon receipt of an offender's monthly payment, after restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department of corrections.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be immediately issued. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department may serve a notice on the offender stating such requirements and

authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

~~((4))~~ (4) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. These obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period is longer. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

~~((3))~~ (5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

~~((4))~~ (6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

~~((5))~~ (7) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

~~((6))~~ (8) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

~~((7))~~ (9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.2001.

~~((8))~~ (10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition ~~((and term of community supervision))~~ or requirement of a sentence and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

~~((9))~~ (11) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with ~~((written))~~ notice of payments by such offenders no less frequently than weekly.

NEW SECTION. Sec. 3. LEGAL FINANCIAL OBLIGATION--NOTICE OF PAYROLL DEDUCTION--ISSUANCE AND CONTENT. (1) The department may issue a notice of payroll deduction in a criminal action if:

(a) The court at sentencing orders its immediate issuance; or

(b) The offender is more than thirty days past due in monthly payments in an amount equal to or greater than the amount payable for one month, provided:

(i) The judgment and sentence or subsequent order to pay contains a statement that a notice of payroll deduction may be issued without further notice to the offender; or

(ii) The department has served a notice on the offender stating such requirements and authorization. Service of such notice shall be made by personal service or any form of mail requiring a return receipt.

(2) The notice of payroll deduction is to be in writing and include:

(a) The name, social security number, and identifying court case number of the offender/employee;

(b) The amount to be deducted from the offender/employee's disposable earnings each month, or alternative amounts and frequencies as may be necessary to facilitate processing of the payroll deduction by the employer;

(c) A statement that the total amount withheld on all payroll deduction notices for payment of court-ordered legal financial obligations combined shall not exceed twenty-five percent of the offender/employee's disposable earnings; and

(d) The address to which the payments are to be mailed or delivered.

(3) An informational copy of the notice of payroll deduction shall be mailed to the offender's last known address by regular mail or shall be personally served.

(4) Neither the department nor any agents of the department shall be held liable for actions taken under RCW 9.94A.145 and sections 1 and 3 through 11 of this act.

NEW SECTION. Sec. 4. LEGAL FINANCIAL OBLIGATIONS--NOTICE OF PAYROLL DEDUCTION--AMOUNTS TO BE WITHHELD. (1) The total amount to be withheld from the offender/employee's earnings each month, or from each earnings disbursement, shall not exceed twenty-five percent of the disposable earnings of the offender.

(2) If the offender is subject to two or more notices of payroll deduction for payment of a court-ordered legal financial obligation from different obligees, the employer or entity shall, if the nonexempt portion of the offender's earnings is not sufficient to respond fully to all notices of payroll deduction, apportion the offender's nonexempt disposable earnings between or among the various obligees equally.

NEW SECTION. Sec. 5. LEGAL FINANCIAL OBLIGATIONS--NOTICE OF PAYROLL DEDUCTION--EMPLOYER OR ENTITY RESPONSIBILITIES. (1) An employer or entity upon whom a notice of payroll deduction is served, shall make an answer to the department within twenty days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the offender is employed by or receives earnings from the employer or entity, whether the employer or entity anticipates paying earnings, and the amount of earnings. If the offender is no longer employed, or receiving earnings from the employer or entity, the answer shall state the present employer or entity's name and address, if known.

(2) Service of a notice of payroll deduction upon an employer or entity requires an employer or entity to immediately make a mandatory payroll deduction from the offender/employee's unpaid disposable earnings. The employer or entity shall thereafter at each pay period deduct the amount stated in the notice divided by the number of pay periods per month. The employer or entity must remit the proper amounts to the appropriate clerk of the court on each date the offender/employee is due to be paid.

(3) The employer or entity may combine amounts withheld from the earnings of more than one employee in a single payment to the clerk of the court, listing separately the amount of the payment that is attributable to each individual employee.

(4) The employer or entity may deduct a processing fee from the remainder of the employee's earnings after withholding under the notice of payroll deduction, even if the remainder is exempt under section 11 of this act. The processing fee may not exceed:

(a) Ten dollars for the first disbursement made by the employer to the clerk of the court; and

(b) One dollar for each subsequent disbursement made under the notice of payroll deduction.

(5) The notice of payroll deduction shall remain in effect until released by the department or the court enters an order terminating the notice.

(6) An employer shall be liable to the obligee for the amount of court-ordered legal financial obligation moneys that should have been withheld from the offender/employee's earnings, if the employer:

(a) Fails or refuses, after being served with a notice of payroll deduction, to deduct and promptly remit from unpaid earnings the amounts of money required in the notice; or

(b) Fails or refuses to submit an answer to the notice of payroll deduction after being served. In such cases, liability may be established in superior court. Awards in superior court shall include costs, interest under RCW 19.52.020 and 4.56.110, reasonable attorney fees, and staff costs as part of the award.

(7) No employer who complies with a notice of payroll deduction under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discipline or discharge an employee or refuse to hire a person by reason of an action authorized in this chapter. If an employer disciplines or discharges an employee or refuses to hire a person in violation of this section, the employee or person shall have a cause of action against the employer. The employer shall be liable for double the amount of lost wages and any other damages suffered as a result of the violation and for costs and reasonable attorney fees, and shall be subject to a civil penalty of not more than two thousand five hundred dollars for each violation. The employer may also be ordered to hire, rehire, or reinstate the aggrieved individual.

NEW SECTION. Sec. 6. MOTION TO QUASH, MODIFY, OR TERMINATE PAYROLL DEDUCTION--GROUNDS FOR RELIEF. (1) The offender subject to a payroll deduction under this chapter, may file a motion in superior court to quash, modify, or terminate the payroll deduction. The court may grant relief if:

(a) It is demonstrated that the payroll deduction causes extreme hardship or substantial injustice; or

(b) In cases where the court did not immediately order the issuance of a notice of payroll deduction at sentencing, that a court-ordered legal financial obligation payment was not more than thirty days past due in an amount equal to or greater than the amount payable for one month.

(2) Satisfactions by the offender of all past-due payments subsequent to the issuance of the notice of payroll deduction is not grounds to quash, modify, or terminate the notice of payroll deduction. If a notice of payroll deduction has been in operation for twelve consecutive months and the offender's payment towards a court-ordered legal financial obligation is current, upon motion of the offender, the court may order the department to terminate the payroll deduction, unless the department can show good cause as to why the notice of payroll deduction should remain in effect.

NEW SECTION. Sec. 7. LEGAL FINANCIAL OBLIGATIONS--ORDER TO WITHHOLD AND DELIVER--ISSUE AND CONTENTS. (1) The department may issue to any person or entity an order to withhold and deliver property of any kind, including but not restricted to, earnings that are due, owing, or belonging to the offender, if the department has reason to believe that there is in the possession of such person or entity, property that is due, owing, or belonging to the offender. Such order to withhold and deliver may be issued when a court-ordered legal financial obligation payment is past due:

(a) If an offender's judgment and sentence or a subsequent order to pay includes a statement that other income-withholding action under this chapter may be taken without further notice to the offender.

(b) If a judgment and sentence or a subsequent order to pay does not include the statement that other income-withholding action under this chapter may be taken without further notice to the offender but the department has served a notice on the offender stating such requirements and authorizations. The service shall have been made by personal service or any form of mail requiring a return receipt.

(2) The order to withhold and deliver shall:

(a) Include the amount of the court-ordered legal financial obligation;

(b) Contain a summary of moneys that may be exempt from the order to withhold and deliver and a summary of the civil liability upon failure to comply with the order; and

(c) Be served by personal service or by any form of mail requiring a return receipt.

(3) The department shall also, on or before the date of service of the order to withhold and deliver, mail or cause to be mailed by any form of mail requiring a return receipt, a copy of the order to withhold and deliver to the offender at the offender's last known post office address, or, in the alternative, a copy of the order shall be personally served on the offender on or before the date of service of the order or within two days thereafter. The copy of the order shall be mailed or served together with an explanation of the right to petition for judicial review. If the copy is not mailed or served as this section provides, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion on motion of the offender promptly made and supported by affidavit showing that the offender has suffered substantial injury due to the failure to mail the copy, may set aside the order to withhold and deliver.

NEW SECTION. Sec. 8. LEGAL FINANCIAL OBLIGATIONS--ORDER TO WITHHOLD AND DELIVER--DUTIES OF PERSON OR ENTITY SERVED. (1) A person or entity upon whom service has been made is hereby required to:

(a) Answer the order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the order; and

(b) Provide further and additional answers when requested by the department.

(2) Any person or entity in possession of any property that may be subject to the order to withhold and deliver shall:

(a)(i) Immediately withhold such property upon receipt of the order to withhold and deliver;

(ii) Deliver the property to the appropriate clerk of the court as soon as the twenty-day answer period expires;

(iii) Continue to withhold earnings payable to the offender at each succeeding disbursement interval and deliver amounts withheld from earnings to the appropriate clerk of the court within ten days of the date earnings are payable to the offender;

(iv) Inform the department of the date the amounts were withheld as requested under this section; or

(b) Furnish the appropriate clerk of the court a good and sufficient bond, satisfactory to the clerk, conditioned upon final determination of liability.

(3) Where money is due and owing under any contract of employment, expressed or implied, or is held by any person or entity subject to withdrawal by the offender, the money shall be delivered by remittance payable to the order of the appropriate clerk of the court.

(4) Delivery to the appropriate clerk of the court of the money or other property held or claimed shall satisfy the requirement and serve as full acquittance of the order to withhold and deliver.

(5) The person or entity required to withhold and deliver the earnings of a debtor under this action may deduct a processing fee from the remainder of the offender's earnings, even if the remainder would otherwise be exempt under section 11 of this act. The processing fee may not exceed:

- (a) Ten dollars for the first disbursement to the appropriate clerk of the court; and
- (b) One dollar for each subsequent disbursement.

(6) A person or entity shall be liable to the obligee in an amount equal to one hundred percent of the value of the court-ordered legal financial obligation that is the basis of the order to withhold and deliver, or the amount that should have been withheld, whichever amount is less, together with costs, interest, and reasonable attorneys' fees if that person or entity fails or refuses to deliver property under the order.

The department is authorized to issue a notice of debt pursuant to and to take appropriate action to collect the debt under this chapter if a judgment has been entered as the result of an action by the court against a person or entity based on a violation of this section.

(7) Persons or entities delivering money or property to the appropriate clerk of the court under this chapter shall not be held liable for wrongful delivery.

(8) Persons or entities withholding money or property under this chapter shall not be held liable for wrongful withholding.

NEW SECTION. Sec. 9. LEGAL FINANCIAL OBLIGATIONS--BANKS, SAVINGS AND LOAN ASSOCIATIONS, CREDIT UNIONS--SERVICE ON MAIN OFFICE OR BRANCH, EFFECT--COLLECTION ACTIONS AGAINST COMMUNITY BANK ACCOUNT, RIGHT TO COURT HEARING. An order to withhold and deliver or any other income-withholding action authorized by this chapter may be served on the main office of a bank, savings and loan association, or credit union or on a branch office of the financial institution. Service on the main office shall be effective to attach the deposits of an offender in the financial institution and compensation payable for personal services due the offender from the financial institution. Service on a branch office shall be effective to attach the deposits, accounts, credits, or other personal property of the offender, excluding compensation payable for personal services, in the possession or control of the particular branch served.

Notwithstanding any other provision of this act, if the department initiates collection action against a joint bank account, with or without the right of survivorship, or any other funds which are subject to the community property laws of this state, notice shall be given to all affected parties that the account or funds are subject to potential withholding.

Such notice shall be by first class mail, return receipt required, or by personal service and be given at least twenty calendar days before withholding is made. Upon receipt of such notice, the nonobligated person shall have ten calendar days to file a petition with the department contesting the withholding of his or her interest in the account or funds. The department shall provide notice of the right of the filing of the petition with the notice provided in this paragraph. If the petition is not filed within the period provided for herein, the department is authorized to proceed with the collection action.

NEW SECTION. Sec. 10. LEGAL FINANCIAL OBLIGATIONS--NOTICE OF DEBT--SERVICE OR MAILING--CONTENTS--ACTION ON, WHEN. (1) The department may issue a notice of debt in order to enforce and collect a court-ordered legal financial obligation debt through either a notice of payroll deduction or an order to withhold and deliver.

(2) The notice of debt may be personally served upon the offender or be mailed to the offender at his or her last known address by any form of mail requiring a return receipt, demanding payment within twenty days of the date of receipt.

(3) The notice of debt shall include:

(a) A statement of the total court-ordered legal financial obligation and the amount to be paid each month.

(b) A statement that earnings are subject to a notice of payroll deduction.

(c) A statement that earnings or property, or both, are subject to an order to withhold and deliver.

(d) A statement that the net proceeds will be applied to the satisfaction of the court-ordered legal financial obligation.

(4) Action to collect a court-ordered legal financial obligation by notice of payroll deduction or an order to withhold and deliver shall be lawful after twenty days from the date of service upon the offender or twenty days from the receipt or refusal by the offender of the notice of debt.

(5) The notice of debt will take effect only if the offender's monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owned.

(6) The department shall not be required to issue or serve the notice of debt in order to enforce and collect a court-ordered legal financial obligation debt through either a notice of payroll deduction or an order to withhold and deliver if either the offender's judgment and sentence or a subsequent order to pay includes a statement that income-withholding action under this chapter may be taken without further notice to the offender.

NEW SECTION. Sec. 11. LEGAL FINANCIAL OBLIGATIONS--CERTAIN AMOUNT OF EARNINGS EXEMPT FROM NOTICE OF PAYROLL DEDUCTION OR ORDER TO WITHHOLD AND DELIVER. Whenever a notice of payroll deduction or order to withhold and deliver is served upon a person or entity asserting a court-ordered legal financial obligation debt against earnings and there is in the possession of the person or entity any of the earnings, RCW 6.27.150 shall not apply, but seventy-five percent of the disposable earnings shall be exempt and may be disbursed to the offender whether such earnings are paid, or to be paid weekly, monthly, or at other intervals and whether there is due the offender earnings for one week or for a longer period. The notice of payroll deduction or order to withhold and deliver shall continue to operate and require said person or entity to withhold the nonexempt portion of earnings, at each succeeding earnings disbursement interval until the entire amount of the court-ordered legal financial obligation debt has been withheld.

NEW SECTION. Sec. 12. Captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 13. Sections 1 and 3 through 11 of this act are each added to chapter 9.94A RCW.

NEW SECTION. Sec. 14. The code reviser shall codify sections 1 and 3 through 11 of this act between RCW 9.94A.200 and 9.94A.2001.

NEW SECTION. Sec. 15. The provisions of this act are retroactive and apply to any actions commenced but not final before the effective date of this act.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 9.94A.145; adding new sections to chapter 9.94A RCW; creating new sections; prescribing penalties; and declaring an emergency."

Signed by Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Passed to Committee on Rules for second reading.

April 5, 1991

SSB 5374 Prime Sponsor, Committee on Ways & Means: Establishing the industrial insurance labor-management cooperation program. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; and Wilson.

Excused: Representatives R. King; O'Brien; Vance; and Wilson.

Passed to Committee on Rules for second reading.

April 5, 1991

SB 5389 Prime Sponsor, Senator Sutherland: Providing for filing a statement of claim for water rights. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Rural Development (For committee amendments, see Journal, 80th Day, April 3, 1991.) as amended with the following amendment by Committee on Natural Resources & Parks:

On page 2, line 19 of the striking amendment, after "entity." insert the following:
 "(4) Nothing in this section shall be construed as (a) a recognition by the legislature that a right claimed in a statement of claim, as authorized for filing by this section, constitutes a valid claim or that such right does or does not exist, or (b) a determination by the legislature that state water rights laws do or do not apply if a statement of claim is filed that relates to waters within an indian reservation."

Signed by Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Hargrove; Morton; Riley; Sheldon; and Wynne.

Passed to Committee on Rules for second reading.

April 5, 1991

ESSB 5411 Prime Sponsor, Committee on Agriculture & Water Resources: Making changes relating to flood damage. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Floods pose threats to public health and safety including loss or endangerment to human life; damage to homes; damage to public roads, highways, bridges, and utilities; interruption of travel, communication, and commerce; damage to private and public property; degradation of water quality; damage to fisheries, fish hatcheries, and fish habitat; harm to livestock; destruction or degradation of environmentally sensitive areas;

erosion of soil, stream banks, and beds; and harmful accumulation of soil and debris in the beds of streams or other bodies of water and on public and private lands;

(b) Alleviation of flood damage to property and to public health and safety is a matter of public concern;

(c) Many land uses alter the pattern of runoff by decreasing the ability of upstream lands to store waters, thus increasing the rate of runoff and attendant downstream impacts; and

(d) Prevention of flood damage requires a comprehensive approach, incorporating storm water management and basin-wide flood damage protection planning.

(2) It is the intent of the legislature to develop a coordinated and comprehensive state policy to address the problems of flooding and the minimization of flood damage.

NEW SECTION. Sec. 2. A new section is added to chapter 90.03 RCW to read as follows:

(1) A person unlawfully diverting, impounding, or altering the natural flow of surface waters or water flowing in a natural watercourse shall be liable in an action for property damages to a person whose property is damaged by such unlawful diversion, impoundment, or alteration. Such person shall not be liable under this section where the action was taken in compliance with a permit issued by a state agency or local government.

(2) For purposes of this section, "natural watercourse" means a channel with a defined bed and banks or a depression or swale that in its natural condition acts to drain water flowing perennially or intermittently.

(3) This section shall not apply to the diversion and collection of water for irrigation of agricultural lands, including the discharge of used irrigation water.

(4) This section shall apply only to actions taken subsequent to the effective date of this act.

Sec. 3. RCW 36.70A.150 and 1990 1st ex.s. c 17 s 15 are each amended to read as follows:

Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, storm water management facilities, recreation, schools, and other public uses. The county shall work with the state and the cities within its borders to identify areas of shared need for public facilities. The jurisdictions within the county shall prepare a prioritized list of lands necessary for the identified public uses including an estimated date by which the acquisition will be needed.

The respective capital acquisition budgets for each jurisdiction shall reflect the jointly agreed upon priorities and time schedule.

Sec. 4. RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each amended to read as follows:

Unless the context clearly requires otherwise, the following definitions shall apply in RCW 82.02.050 through 82.02.090:

(1) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.

(2) "Development approval" means any written authorization from a county, city, or town which authorizes the commencement of development activity.

(3) "Impact fee" means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

(4) "Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

(5) "Proportionate share" means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

(6) "Project improvements" mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the governing body of the county, city, or town shall be considered a project improvement.

(7) "Public facilities" means the following capital facilities owned or operated by government entities: (a) Public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) storm water management facilities; (d) school facilities; and ~~((d))~~ (e) fire protection facilities in jurisdictions that are not part of a fire district.

(8) "Service area" means a geographic area defined by a county, city, town, or intergovernmental agreement in which a defined set of public facilities provide service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles.

(9) "System improvements" mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW to read as follows:

Within one year of the adoption of comprehensive plans by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, such jurisdictions shall adopt ordinances that require the provision of storm water management facilities concurrently with development approval and that meet the standards for level of service provided in the comprehensive plan.

Sec. 6. RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. Where applicable the land use element shall incorporate storm water management programs adopted pursuant to the Puget Sound water quality management plan required under RCW 90.70.060.

(2) A housing element recognizing the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;

(iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(v) Identification of system expansion needs and transportation system management needs to meet current and future demands;

(c) Finance, including:

(i) An analysis of funding capability to judge needs against probable funding resources;

(ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;

(iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this ~~((subsection (6)))~~ section "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

(7) The land use, capital facilities, and transportation elements of comprehensive plans shall incorporate and be consistent with applicable provisions of watershed management plans adopted pursuant to the Puget Sound water quality management plan.

NEW SECTION. Sec. 7. The purpose of sections 7 through 18 of this act is to permit counties to adopt a comprehensive system of flood control management and protection within drainage basins and to coordinate the flood control activities of the state, counties, cities, towns, and special districts within such drainage basins.

NEW SECTION. Sec. 8. A new section is added to chapter 86.12 RCW to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a cost/benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; and (e) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; and

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters,

or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific flood plain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to flood plain management activities. When a county plans under chapter 36.70A RCW, it may incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 86.12 RCW to read as follows:

A comprehensive flood control management plan that includes an area within which a city or town, or a special district subject to chapter 85.38 RCW, is located shall be developed by the county with the participation of officials from the city, town, or special district, including conservation districts, and appropriate state and federal agencies. Where a comprehensive flood control management plan is being prepared for a river that is part of the common boundary between two counties, the county legislative authority of the county preparing the plan may allow participation by officials of the adjacently located county.

A comprehensive flood control management plan shall be binding on each city, town, and special district that is located within an area included in the plan, except that the land use regulations and restrictions on construction activities contained in a comprehensive flood control management plan applicable to a city or town shall be minimum standards that the city or town may exceed.

NEW SECTION. Sec. 10. A new section is added to chapter 86.12 RCW to read as follows:

A county may create one or more advisory committees to assist in the development of proposed comprehensive flood control management plans and to provide general advice on flood problems. The advisory committees may include city and town officials, officials of special districts subject to chapter 85.38 RCW, conservation districts, appropriate state and federal officials, and officials of other counties and other interested persons.

Sec. 11. RCW 86.26.050 and 1988 c 36 s 64 are each amended to read as follows:

(1) State participation shall be in such preparation of comprehensive flood control management plans under this chapter and chapter 86.12 RCW, cost sharing feasibility studies for new flood control projects, and flood control maintenance projects as are affected with a general public and state interest, as differentiated from a private interest, and as are likely to bring about public benefits commensurate with the amount of state funds allocated thereto.

(2) No participation for flood control maintenance projects may occur with a county or other municipal corporation unless the director of ecology has approved the flood plain management activities of the county, city, or town having planning jurisdiction over the area where the flood control maintenance project will be, on the one hundred year flood plain surrounding such area.

The department of ecology shall adopt rules concerning the flood plain management activities of a county, city, or town that are adequate to protect or preclude flood damage to structures, works, and improvements, including the restriction of land uses within a river's meander belt or floodway to only flood-compatible uses. Whenever the department has approved county, city, and town flood plain management activities, as a condition of receiving an allocation of funds under this chapter, each revision to the flood

plain management activities must be approved by the department of ecology, in consultation with the department of fisheries and the department of wildlife.

No participation with a county or other municipal corporation for flood control maintenance projects may occur unless the county engineer of the county within which the flood control maintenance project is located certifies that a comprehensive flood control management plan has been completed and adopted by the appropriate local authority, or is being prepared for all portions of the river basin or other area, within which the project is located in that county, that are subject to flooding with a frequency of one hundred years or less.

(3) Participation for flood control maintenance projects and preparation of comprehensive flood control management plans shall be made from grants made by the department of ecology from the flood control assistance account. Comprehensive flood control management plans, and any revisions to the plans, must be approved by the department of ecology, in consultation with the department of fisheries and the department of wildlife. The department may only grant financial assistance to local governments that, in the opinion of the department, are making good faith efforts to take advantage of, or comply with, federal and state flood control programs.

Sec. 12. RCW 86.26.090 and 1984 c 212 s 7 are each amended to read as follows:

The state shall participate with eligible local authorities in maintaining and restoring the normal and reasonably stable river and stream channel alignment and the normal and reasonably stable river and stream channel capacity for carrying off flood waters with a minimum of damage from bank erosion or overflow of adjacent lands and property; and in restoring, maintaining and repairing natural conditions, works and structures for the maintenance of such conditions. State participation in the repair of flood control facilities may include the enhancement of such facilities. The state shall likewise participate in the restoration and maintenance of natural conditions, works or structures for the protection of lands and other property from inundation or other damage by the sea or other bodies of water. Funds from the flood control assistance account shall not be available for maintenance of works or structures maintained solely for the detention or storage of flood waters.

Sec. 13. RCW 86.26.100 and 1986 c 46 s 4 are each amended to read as follows:

State participation in the cost of any flood control maintenance project shall be provided for by a written memorandum agreement between the director of ecology and the legislative authority of the county submitting the request, which agreement, among other things, shall state the estimated cost and the percentage thereof to be borne by the state. In no instance, except on emergency projects, shall the state's share exceed one-half the cost of the project, to include project planning and design. Grants for cost sharing feasibility studies for new flood control projects shall not exceed fifty percent of the matching funds that are required by the federal government, and shall not exceed twenty-five percent of the total costs of the feasibility study. However, grants to prepare a comprehensive flood control management plan required under RCW 86.26.050 shall not exceed seventy-five percent of the full planning costs, but not to exceed amounts for either purpose specified in rule and regulation by the department of ecology.

NEW SECTION. Sec. 14. A new section is added to chapter 86.15 RCW to read as follows:

A board may not establish a zone including an area located in another zone unless this area is removed from the other zone, or the other zone is dissolved, as part of the action creating the new zone.

Sec. 15. RCW 86.15.178 and 1983 c 315 s 23 and 1983 c 167 s 212 are each reenacted to read as follows:

(1) The supervisors may authorize the issuance of revenue bonds to finance any flood control improvement or storm water control improvement. The bonds may be issued by the supervisors in the same manner as prescribed in RCW 36.67.510 through

36.67.570 pertaining to counties. The bonds shall be issued on behalf of the zone or participating zones when the improvement has by the resolution, provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones. The bonds may be in any form, including bearer bonds or registered bonds.

Each revenue bond shall state on its face that it is payable from a special fund, naming the fund and the resolution creating the fund.

Revenue bond principal, interest, and all other related necessary expenses shall be payable only out of the appropriate special fund.

A zone or participating zones shall have a lien for delinquent service charges, including interest thereon, against the premises benefited by a flood control improvement or storm water control improvement, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. The lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 16. RCW 86.16.110 and 1987 c 109 s 23 are each reenacted and amended to read as follows:

Any person, association, or corporation, public, municipal, or private, feeling aggrieved at any order, decision, or determination of the department or director pursuant to this chapter, affecting his or her interest, may have the same reviewed pursuant to RCW 43.21B.310.

NEW SECTION. Sec. 17. The department of fisheries and the department of wildlife shall process hydraulic project applications submitted under RCW 75.20.100 or 75.20.103 within thirty days of receipt of the application. This requirement is only applicable for the repair and reconstruction of legally constructed dikes, seawalls, and other flood control structures damaged as a result of flooding or windstorms that occurred in November and December 1990.

NEW SECTION. Sec. 18. The following acts or parts of acts are each repealed:

(1) RCW 86.15.040 and 1961 c 153 s 4;

(2) RCW 86.16.027 and 1987 c 109 s 51 & 1935 c 159 s 9;

(3) RCW 86.16.030 and 1987 c 109 s 52 & 1935 c 159 s 5;

(4) RCW 86.16.040 and 1987 c 109 s 54 & 1935 c 159 s 11;

(5) RCW 86.16.060 and 1987 c 109 s 55 & 1935 c 159 s 13;

(6) RCW 86.16.065 and 1987 c 109 s 56 & 1935 c 159 s 14;

(7) RCW 86.16.067 and 1987 c 109 s 57, 1985 c 469 s 86, & 1935 c 159 s 15;

(8) RCW 86.16.070 and 1987 c 109 s 58 & 1935 c 159 s 16;

(9) RCW 86.16.080 and 1987 c 109 s 59 & 1935 c 159 s 10;

(10) RCW 86.16.090 and 1987 c 109 s 60, 1939 c 85 s 2, & 1935 c 159 s 7; and

(11) RCW 86.16.170 and 1987 c 109 s 62 & 1973 c 75 s 3.

NEW SECTION. Sec. 19. The department of community development shall convene a state flood damage reduction commission composed of twenty-two members as follows: (1) Four members of the senate, two from each of the major caucuses, who are appointed by the president of the senate; (2) four members of the house of representatives, two from each of the major caucuses, who are appointed by the speaker of the house of representatives; (3) the director of the department of community development, or the director's designee, who shall act as chair of the commission; (4) the director of the department of fisheries, or the director's designee; (5) the director of the department of wildlife, or the director's designee; (6) the director of the department of agriculture, or the director's designee; (7) the director of the department of ecology, or the director's designee; (8) the director of the department of transportation, or the director's designee; (9) the commissioner of public lands, or the commissioner's designee; (10) the director of the parks and recreation commission, or the director's designee; (11)

four persons appointed by the governor representing counties within which significant flood control improvements have been constructed; (12) two persons appointed by the governor representing conservation districts and special districts that provide flood control improvements; and (13) two persons appointed by the governor representing tribal governments.

The commission may seek assistance from appropriate federal agencies, including the United States army corp of engineers. The department of community development shall provide staff for the commission and pay the expenses of commission members who are appointed by the governor. The expenses of the legislative members shall be paid by the legislature. The expenses of the state agency officials, or their designees, shall be paid by their state agencies.

NEW SECTION. Sec. 20. The state flood damage reduction commission shall consider the development of comprehensive state flood policies and a comprehensive and coordinated flood damage reduction plan, including the following elements:

- (1) Structural and nonstructural flood damage reduction projects;
- (2) Forest practice effects on watershed hydraulics as determined by applicable research projects conducted under the timber-fish-wildlife cooperative monitoring, evaluation, and research program, including: (a) Percentage of watershed clearcut; (b) logging in very steep areas; and (c) logging in slide-prone areas;
- (3) Growth management and land uses, including: (a) Flood plain development patterns; (b) loss of potential natural flood water storage areas; (c) future development restrictions in flood-prone areas; and (d) coordination with the state's growth management act and county flood comprehensive planning;
- (4) Comprehensive watershed and flood damage management;
- (5) Storm water runoff pattern alterations and accompanying liabilities;
- (6) Analysis of the federal, state, and local permitting requirements necessary for projects designed to reduce future flood damage or to restore areas damaged by floods, including any conflicting requirements that may exist;
- (7) Emergency work and coordination, and emergency preparedness planning;
- (8) Determination of the need for requirements to disclose the flood hazard to purchasers or renters of flood-prone property;
- (9) The role of dredging in flood damage reduction, including environmental effects, funding sources, and upstream uses that alter its effectiveness;
- (10) The role of dikes and levees in flood damage reduction, including environmental effects, construction and maintenance standards, sources of funding for construction and maintenance, and resultant upstream and downstream hydrologic effects;
- (11) Review criteria for evaluating and approving local plans and projects funded by grants from the flood control account; and
- (12) Public acquisition of properties to reduce flood damage.

NEW SECTION. Sec. 21. The state flood reduction commission shall report its findings to the legislature on or before December 31, 1991. The report shall include the following: (1) Findings relating to a state flood damage reduction plan; (2) commitments to implement the plan; (3) recommended state agency regulation and policy changes; (4) proposed legislation and associated costs to implement the state flood damage reduction plan; and (5) recommended local flood reduction and mitigation measures.

NEW SECTION. Sec. 22. A new section is added to chapter 86.16 RCW to read as follows:

Local governments that have adopted flood plain management regulations pursuant to this chapter shall include provisions that allow for the establishment of livestock flood sanctuary areas at a convenient location within a farming unit that contains domestic livestock. Local governments may limit the size and configuration of the livestock flood sanctuary areas, but such limitation shall provide adequate space for the expected number of livestock on the farming unit and shall be at an adequate elevation to protect livestock.

Modification to flood plain management regulations required pursuant to this section shall be within the minimum federal requirements necessary to maintain coverage under the national flood insurance program.

NEW SECTION. Sec. 23. A new section is added to chapter 75.20 RCW to read as follows:

Whenever the placement of woody debris is required as a condition of a hydraulic permit approval issued pursuant to RCW 75.20.100 or 75.20.103, the department of fisheries and the department of wildlife, upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

NEW SECTION. Sec. 24. The department of fisheries, the department of wildlife, and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to RCW 75.20.100 and 75.20.103 are met.

Sec. 25. RCW 38.52.030 and 1986 c 266 s 25 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work

within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(8) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include; but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(9) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

NEW SECTION. Sec. 26. A new section is added to chapter 75.20 RCW to read as follows:

The department of fisheries, the department of wildlife, the department of ecology, and the department of natural resources shall jointly develop an informational brochure that describes when permits and any other authorizations are required for flood damage prevention and reduction projects, and recommends ways to best proceed through the various regulatory permitting processes.

NEW SECTION. Sec. 27. (1) This section shall apply only to projects:

(a) Needed to repair damage done by the November or December 1990, flood events, or remove accumulated debris and gravel that significantly contributed to flooding during the November and December 1990, flood events; and

(b) That are not a substantial development as defined in chapter 90.58 RCW; and

(c) That require permits or other authorization for removal of valuable materials as defined in RCW 79.90.060 or permits or authorization under RCW 75.20.100 or 75.20.103.

(2) Any project undertaken under the provisions of this section shall be completed by September 15, 1991.

(3) The department of fisheries, the department of wildlife, the department of ecology, and the department of natural resources shall expedite and coordinate any required responses to the project application. A complete application for approval shall contain general plans for the overall project, and complete plans and specifications of the proposed construction or work. Upon receipt of a completed application, the agency that first receives that application shall, within fifteen days, schedule and hold a coordination meeting with all appropriate state, local, or county permitting or authorizing agencies. The project applicant shall be invited to this meeting. The appropriate city, county, or town may coordinate their permit approval processes with the state agencies. As soon as possible, but no later than thirty days after the receipt of a complete application, all appropriate state agencies will deny or approve the project. Any conditions placed upon project approvals shall be coordinated among the state agencies so that those conditions do not conflict.

NEW SECTION. Sec. 28. Section 27 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "damage;" strike the remainder of the title and insert "amending RCW 36.70A.150, 82.02.090, 36.70A.070, 86.26.050, 86.26.090, 86.26.100, and 38.52.030; reenacting and amending RCW 86.16.110; reenacting RCW 86.15.178; adding a new section to chapter 90.03 RCW; adding a new section to chapter 36.70A RCW; adding new sections to chapter 86.12 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 86.16 RCW; adding new sections to chapter 75.20 RCW; repealing RCW 86.15.040, 86.16.027, 86.16.030, 86.16.040, 86.16.060, 86.16.065, 86.16.067, 86.16.070, 86.16.080, 86.16.090, and 86.16.170; creating new sections; and declaring an emergency."

Signed by Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Dellwo; Fraser; Hargrove; Morton; Riley; Sheldon; and Wynne.

MINORITY recommendation: Without recommendation. Signed by Representative Brumsickle, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

April 5, 1991

SSB 5418 Prime Sponsor, Committee on Law & Justice: Creating an interagency criminal justice work group. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 2 strike "Its duties include the following" and insert "It shall"

On page 2, line 12 strike "and"

On page 2, line 13 after "(f)" insert "Conduct or cause to be conducted a study of the problem of police harassment of, and brutality toward, residents of the state;

(g) Propose appropriate training programs to be provided for law enforcement personnel by the criminal justice training commission to reduce the incidence of police harassment of, and brutality toward, residents of the state;

(h) Propose additional civil remedies for the victims of police harassment or brutality;

(i) Propose guidelines for the creation of citizen review panels in local jurisdictions to receive and investigate complaints of police harassment or brutality; and

(j)"

On page 2, line 16 strike "and policy recommendations" and insert ", plans, recommendations and proposals developed, and studies conducted"

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Broback; Forner; Hargrove; Insee; Mielke; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher; R. Meyers; and H. Myers.

Excused: Representatives Insee and Locke.

Referred to Committee on Appropriations.

April 4, 1991

ESB 5432 Prime Sponsor, Senator Patterson: Funding programs from the public safety and education account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; R. Meyers, Vice Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Cantwell; Cooper; Day; G. Fisher; Forner; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Brough and Haugen.

Excused: Representatives R. Meyers, Vice Chair; Cantwell; Heavey; Nelson; Prince; and Zellinsky.

Referred to Committee on Revenue.

April 5, 1991

SSB 5438 Prime Sponsor, Committee on Law & Justice: Increasing stolen property values for determining degrees of theft. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9A.56.010 and 1987 c 140 s 1 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;

(2) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;

(3) "Access device" means any card, plate, code, account number, or other means of account access that can be used alone or in conjunction with another access device to obtain money, goods, services, or anything else of value, or that can be used to initiate a transfer of funds, other than a transfer originated solely by paper instrument;

(4) "Deception" occurs when an actor knowingly:

(a) Creates or confirms another's false impression which the actor knows to be false; or

(b) Fails to correct another's impression which the actor previously has created or confirmed; or

(c) Prevents another from acquiring information material to the disposition of the property involved; or

(d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(5) "Deprive" in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs;

(6) "Obtain control over" in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

(7) "Wrongfully obtains" or "exerts unauthorized control" means:

(a) To take the property or services of another;

(b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his or her own use or to the use of any person other than the true owner or person entitled thereto; or

(c) Having any property or services in one's possession, custody, or control as partner, to secrete, withhold, or appropriate the same to his or her use or to the use of any person other than the true owner or person entitled thereto, where such use is unauthorized by the partnership agreement;

(8) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;

(9) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;

(10) "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam, and water;

(11) "Stolen" means obtained by theft, robbery, or extortion;

(12) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charges the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding (~~two hundred and fifty~~) one thousand dollars;

(13) "Shopping cart" means a basket mounted on wheels or similar container generally used in a retail establishment by a customer for the purpose of transporting goods of any kind;

(14) "Parking area" means a parking lot or other property provided by retailers for use by a customer for parking an automobile or other vehicle.

Sec. 2. RCW 9A.56.030 and 1975 1st ex.s. c 260 s 9A.56.030 are each amended to read as follows:

(1) A person is guilty of theft in the first degree if (~~(he)~~) the person commits theft of:

(a) Property or services which exceed(s) (~~one thousand five hundred~~) two thousand dollars in value; or

(b) Property of any value taken from the person of another.

(2) Theft in the first degree is a class B felony.

Sec. 3. RCW 9A.56.040 and 1987 c 140 s 2 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if (~~(he)~~) the person commits theft of:

(a) Property or services which exceed(s) (~~two hundred and fifty~~) five hundred dollars in value, but does not exceed (~~one thousand five hundred~~) two thousand dollars in value; or

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; or

(c) An access device; or

(d) A motor vehicle, of a value less than (~~one thousand five hundred~~) two thousand dollars; or

(e) A firearm, of a value less than (~~one thousand five hundred~~) two thousand dollars.

(2) Theft in the second degree is a class C felony.

Sec. 4. RCW 9A.56.050 and 1975 1st ex.s. c 260 s 9A.56.050 are each amended to read as follows:

(1) A person is guilty of theft in the third degree if (~~he~~) the person commits theft of property or services which does not exceed (~~two hundred and fifty~~) five hundred dollars in value.

(2) Theft in the third degree is a gross misdemeanor.

Sec. 5. RCW 9A.56.060 and 1982 c 138 s 1 are each amended to read as follows:

(1) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he or she has not sufficient funds in, or credit with said bank or other depository, to meet said check or draft, in full upon its presentation, shall be guilty of unlawful issuance of bank check. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the uttering or delivery of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud.

(2) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft on a bank or other depository for the payment of money and who issues a stop-payment order directing the bank or depository on which the check is drawn not to honor said check, and who fails to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check within twenty days of issuing said check or draft shall be guilty of unlawful issuance of a bank check.

(3) When any series of transactions which constitute unlawful issuance of a bank check would, when considered separately, constitute unlawful issuance of a bank check in an amount of (~~two hundred fifty~~) five hundred dollars or less because of value, and the series of transactions are a part of a common scheme or plan, the transactions may be aggregated in one count and the sum of the value of all of the transactions shall be the value considered in determining whether the unlawful issuance of a bank check is to be punished as a class C felony or a gross misdemeanor.

(4) Unlawful issuance of a bank check in an amount greater than (~~two hundred fifty~~) five hundred dollars is a class C felony.

(5) Unlawful issuance of a bank check in an amount of (~~two hundred fifty~~) five hundred dollars or less is a gross misdemeanor and shall be punished as follows:

(a) The court shall order the defendant to make full restitution;

(b) The defendant need not be imprisoned, but the court shall impose a minimum fine of five hundred dollars. Of the fine imposed, at least fifty dollars shall not be suspended or deferred. Upon conviction for a second offense within any twelve-month period, the court may suspend or defer only that portion of the fine which is in excess of five hundred dollars.

Sec. 6. RCW 9A.56.150 and 1975 1st ex.s. c 260 s 9A.56.150 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the first degree if ~~((he))~~ the person possesses stolen property which exceeds ~~((one thousand five hundred))~~ two thousand dollars in value.

(2) Possessing stolen property in the first degree is a class B felony.

Sec. 7. RCW 9A.56.160 and 1987 c 140 s 4 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the second degree if the person:

(a) ~~((He))~~ Possesses stolen property which exceeds ~~((two hundred fifty))~~ five hundred dollars in value but does not exceed ~~((one thousand five hundred))~~ two thousand dollars in value; or

(b) ~~((He))~~ Possesses a stolen public record, writing or instrument kept, filed, or deposited according to law; or

(c) ~~((He))~~ Possesses a stolen access device; or

(d) ~~((He))~~ Possesses a stolen motor vehicle of a value less than ~~((one thousand five hundred))~~ two thousand dollars; or

(e) ~~((He))~~ Possesses a stolen firearm.

(2) Possessing stolen property in the second degree is a class C felony.

Sec. 8. RCW 9A.56.170 and 1975 1st ex.s. c 260 s 9A.56.170 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the third degree if ~~((he))~~ the person possesses stolen property which does not exceed ~~((two hundred fifty))~~ five hundred dollars in value.

(2) Possessing stolen property in the third degree is a gross misdemeanor.

On page 1, line 2 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 9A.56.010, 9A.56.030, 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.150, 9A.56.160, and 9A.56.170; and prescribing penalties."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Paris, Assistant Ranking Minority Member; Belcher; Hargrove; R. Meyers; H. Myers; Riley; Scott; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Minority Member; Broback; Forner; Inslee; Mielke; D. Sommers; Tate; and Vance.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

April 5, 1991

SB 5444 Prime Sponsor, Senator Moore: Extending the time for a bank customer to discover and report unauthorized signatures and alterations. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Broback, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Anderson; Inslee; R. Johnson; R. Meyers; Paris; Schmidt; and Winsley.

Excused: Representatives Dorn and Scott.

Passed to Committee on Rules for second reading.

April 3, 1991

SSB 5456 Prime Sponsor, Committee on Higher Education: Modifying tenure at community colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Improving the quality of instruction at our state institutions of higher education is a priority of the legislature. Recently, many efforts have been made by the legislature, the colleges, and the higher education coordinating board to assess and improve the quality of instruction received by students at our state institutions. It is the intent of the legislature that, in conjunction with these various efforts, the process for the award of faculty tenure at community colleges should allow for a thorough review of the performance of faculty appointees prior to the granting of tenure.

Sec. 2. RCW 28B.50.851 and 1988 c 32 s 2 are each amended to read as follows:
As used in RCW 28B.50.850 through 28B.50.869:

(1) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and by due process;

(2) (a) "Faculty appointment", except as otherwise provided in subsection (2)(b) below, shall mean full time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall also mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian; faculty appointment shall also mean employment on a reduced work load basis when a faculty member has retained tenure under RCW 28B.50.859;

(b) "Faculty appointment" shall not mean special faculty appointment as a teacher, counselor, librarian, or other position as enumerated in subsection (2)(a) of this section, when such employment results from special funds provided to a community college district from federal moneys or other special funds which other funds are designated as "special funds" by the state board for community college education: PROVIDED, That such "special funds" so designated by the state board for purposes of this section shall apply only to teachers, counselors and librarians hired from grants and service agreements and teachers, counselors and librarians hired in nonformula positions. A special faculty appointment resulting from such special financing may be terminated upon a reduction or elimination of funding or a reduction or elimination of program: PROVIDED FURTHER, That "faculty appointees" holding faculty appointments pursuant to subsections (1) or (2) (a) who have been subsequently transferred to positions financed from "special funds" pursuant to subsection (2) (b) and who thereafter lose their positions upon reduction or elimination of such "special funding" shall be entitled to be returned to previous status as faculty appointees pursuant to subsection (1) or (2) (a) depending upon their status prior to the "special funding" transfer. Notwithstanding the fact that tenure shall not be granted to anyone holding a special faculty appointment, the termination of any such faculty appointment prior to the expiration of the term of such faculty member's individual contract for any cause which is not related to elimination or

reduction of financing or the elimination or reduction of program shall be considered a termination for cause subject to the provisions of this chapter;

(3) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's terms of employment;

(4) "Probationer" shall mean an individual holding a probationary faculty appointment;

(5) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority;

(6) "Appointing authority" shall mean the board of trustees of a community college district;

(7) "Review committee" shall mean a committee composed of the probationer's faculty peers or tenured faculty member's peers, a student representative, and the administrative staff of the community college: PROVIDED, That the majority of the committee shall consist of the probationer's faculty peers or tenured faculty member's peers.

Sec. 3. RCW 28B.50.852 and 1969 ex.s. c 283 s 34 are each amended to read as follows:

The appointing authority shall promulgate rules and regulations implementing RCW 28B.50.850 through 28B.50.869 and shall provide for the award of faculty tenure following a probationary period not to exceed ~~((three consecutive regular college years))~~ nine consecutive college quarters, excluding summer quarter and approved leaves of absence: PROVIDED, That tenure may be awarded at any time as may be determined by the appointing authority after it has given reasonable consideration to the recommendations of the review committee. Upon formal recommendation of the review committee and with the written consent of the probationary faculty member, the appointing authority may extend its probationary period for one, two, or three quarters, excluding summer quarter, beyond the maximum probationary period established herein. No such extension shall be made, however, unless the review committee's recommendation is based on its belief that the probationary faculty member needs additional time to complete satisfactorily a professional improvement plan already in progress and in the committee's further belief that the probationary faculty member will complete the plan satisfactorily. At the conclusion of any such extension, the appointing authority may award tenure unless the probationary faculty member has, in the judgment of the committee, failed to complete the professional improvement plan satisfactorily.

Sec. 4. RCW 28B.50.857 and 1969 ex.s. c 283 s 37 are each amended to read as follows:

Upon the decision not to renew a probationary faculty appointment, the appointing authority shall notify the probationer of such decision as soon as possible during the regular college year: PROVIDED, That such notice may not be given ~~((subsequent to the last day of the winter quarter))~~ later than one complete quarter, except summer quarter, before the expiration of the probationary faculty appointment.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.50 RCW to read as follows:

(1) The effectiveness and performance of each tenured faculty member of a community college shall be reviewed and formally evaluated by a review committee at least once every fifteen regular college quarters in which the tenured faculty member is employed by the community college. The size, composition, and duties of the review committee defined in RCW 28B.50.851(7) may be altered for the purposes of this section with the mutual consent of the exclusive bargaining agent and the appointing authority.

(2) If, after the review conducted pursuant to subsection (1) of this section, the performance of the tenured faculty member is judged to be unsatisfactory by the review committee, the tenured faculty member may be required by the appointing authority to

implement a performance improvement plan for a period of no more than three regular college quarters, not including summer quarter.

(3) If, after the three quarter period in subsection (2) of this section, the tenured faculty member's performance is deemed to be unsatisfactory by the review committee, the appointing authority may revoke tenure and return the faculty member to a probationary faculty appointment. The appointing authority shall ensure due process for tenured faculty members in the decision to return any member to a probationary faculty appointment.

(4) The provisions of subsections (2) and (3) of this section are in addition to any tenure revocation procedures established pursuant to chapter 28B.52 RCW.

(5) The procedures, criteria, and conditions implementing this section are subject to negotiations between the appointing authority and the faculty's exclusive bargaining representative.

NEW SECTION. Sec. 6. Nothing contained in this act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991, and shall apply to all faculty appointments made by community colleges after June 30, 1991, but shall not apply to employees of community colleges who hold faculty appointments prior to July 1, 1991.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "modification;" strike the remainder of the title and insert "amending RCW 28B.50.851, 28B.50.852, and 28B.50.857; adding a new section to chapter 28B.50 RCW; creating new sections; providing an effective date; and declaring an emergency."

Signed by Representatives Jacobsen, Chair; Ogden, Vice Chair; Wood, Ranking Minority Member; May, Assistant Ranking Minority Member; Basich; Dellwo; Fraser; Ludwig; Sheldon; Spanel; and Van Luven.

Excused: Representatives Miller and Prince.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5458 Prime Sponsor, Committee on Ways & Means: Establishing regional service centers for the deaf. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature intends within available resources to assure quality human services to enhance the lives of deaf and hard of hearing people throughout the state by providing:

- (1) Communication accessibility through interpreters and other information services;
- (2) Quality human services for deaf and hard of hearing citizens;

(3) Coordination among private and public agencies, the office of deaf services, regions, and the deaf community; and

(4) Training and consultative services to public and private agencies.

NEW SECTION. Sec. 2. The following definitions apply throughout sections 1 through 6 of this act:

"Deaf person" means a person with severe or complete absence of auditory sensitivity whose primary effective receptive communication mode is visual or tactile or both.

"Hard of hearing person" means a person with some absence of auditory sensitivity who has residual hearing that may be sufficient to produce linguistic information through audition with or without amplification under favorable listening conditions, or a person with other auditory handicapping conditions.

"Department" means the department of social and health services.

"Office" means the office of deaf services within the department of social and health services.

"Secretary" means the secretary of the department of social and health services.

"Region" means one of five geographical areas comprised of adjoining counties within the state.

"Regional advisory committee" means a group of persons who are deaf, hard of hearing, or advocates and, by appointment or vote, are delegated to represent the interest of the deaf community within a region.

"State advisory committee" means the advising committee for state programs for the deaf.

"Regional service center" means a community-based center located within a region that provides service delivery to deaf and hard of hearing individuals.

NEW SECTION. Sec. 3. (1) The state advisory committee for the state programs for the deaf shall consist of one representative of the office of deaf services, one representative of each regional service center, two representatives of each regional advisory committee, and other members as designated by the secretary, who by appointment or vote are delegated to represent in the development of programs the interests of the regional advisory committee, the office of deaf services, and the regional service centers. Members of the state advisory committee shall receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) The state advisory committee shall meet quarterly to discuss and monitor the programs and activities of the regional service centers. The committee shall quarterly report its findings along with recommendations to the department through the office of deaf services.

NEW SECTION. Sec. 4. (1) A regional service center shall be established within each of the following regions:

"Region I" includes the counties of Okanogan, Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Columbia, Garfield, and Asotin.

"Region II" includes the counties of Chelan, Douglas, Grant, Kittitas, Yakima, Benton, Franklin, Klickitat, and Walla Walla.

"Region III and IV" includes the counties of King, Jefferson, Clallam, Snohomish, Skagit, Whatcom, Island, and San Juan.

"Region V" includes the counties of Pierce, Thurston, Mason, Grays Harbor, and Kitsap.

"Region VI" includes the counties of Lewis, Wahkiakum, Cowlitz, Clark, Skamania, and Pacific.

(2) Regional service centers shall meet criteria established by the office of deaf services and hold articles of incorporation for nonprofit organizations established by the secretary of state.

(3) Regional service centers shall establish advisory committees for each region to meet regularly. Members of the regional advisory committee must be voting members of the board of directors of the regional service centers.

NEW SECTION. Sec. 5. The office in consultation with the state advisory committee shall recommend programs to regional service centers, and ensure, through direct services or contractual means, that regional service centers provide baseline programs in the areas of individual and family counseling, interpreter services, and vocational rehabilitation. Additional programs can be maintained or established by regional service centers in consultation with their regional advisory committees. The office shall establish criteria for and award contracts to qualified regional service centers representing the deaf and hard of hearing population within each region.

NEW SECTION. Sec. 6. A regional service center is prohibited from performing activities that are regulated under chapter 18.35 RCW. A regional service center shall provide, upon request, a deaf person or hard of hearing person with a list of persons in the geographic area of the center licensed under chapter 18.35 RCW to provide services regulated under chapter 18.35 RCW. The deaf person or hard of hearing person may voluntarily select any person from the list to perform the services. A regional service center may in no manner recommend or refer one person on the list over another person on the list.

NEW SECTION. Sec. 7. The taxes imposed in sections 8 through 10 of this act are intended to provide a funding source for the purposes of deaf centers and other deaf programs.

NEW SECTION. Sec. 8. A new section is added to chapter 82.04 RCW to read as follows:

There is levied and shall be collected from every person for the act or privilege of engaging within this state in business as a manufacturer an additional tax equal to the value of audio tapes, audio records, and audio compact disks manufactured multiplied by the rate of four-tenths of one percent.

NEW SECTION. Sec. 9. A new section is added to chapter 82.04 RCW to read as follows:

There is levied and shall be collected from every person for the act or privilege of engaging within this state in the business of making sales at wholesale an additional tax equal to the gross proceeds of sales of audio tapes, audio records, and audio compact disks multiplied by the rate of four-tenths of one percent.

NEW SECTION. Sec. 10. A new section is added to chapter 82.04 RCW to read as follows:

There is levied and shall be collected from every person for the act or privilege of engaging within this state in the business of making sales at retail an additional tax equal to the gross proceeds of sales of audio tapes, audio records, and audio compact disks multiplied by the rate of four-tenths of one percent.

Sec. 11. RCW 43.20A.360 and 1989 1st ex. s. c 9 s 214 and 1989 c 11 s 14 are each reenacted and amended to read as follows:

(1) The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: (a) Health facilities; (b) children and youth services; (c) blind services; (d) medical and health care; (e) deaf services; (f) drug abuse and alcoholism; (~~((f))~~) (g) social services; (~~((g))~~) (h) economic services; (~~((h))~~) (i) vocational services; (~~((i))~~) (j) rehabilitative services; and on such other subject matters as are or come within the department's responsibilities. The secretary shall appoint committees or councils advisory to the department in each service delivery region to be designated by the secretary. The state-wide and the regional councils shall have representation from both major political parties and shall have substantial consumer

representation and appropriate geographical representation. Such committees or councils shall be constituted as required by federal law or as the secretary in his or her discretion may determine. The members of the committees or councils shall hold office for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

(2) Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Members of regional advisory committees may, in the discretion of the secretary, be paid the same travel expenses as set forth above.

NEW SECTION. Sec. 12. The sum of one million seven hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1993, to carry out the purposes of this act. The appropriation shall be distributed to the regions based upon their need and taking into consideration the availability of other state and local funding sources.

NEW SECTION. Sec. 13. Sections 1 through 6 of this act are each added to chapter 43.20A RCW.

NEW SECTION. Sec. 14. This act is null and void unless by June 30, 1991, taxes providing revenue for the purposes of this act are contained in this act or in another act referencing this act specifically by bill number.

NEW SECTION. Sec. 15. Section 12 of this act is null and void if by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium provides specific funding for this act, referencing this act by bill number.

On page 1, line 1 of the title, after "deaf;" strike the remainder of the title and insert "reenacting and amending RCW 43.20A.360; adding new sections to chapter 43.20A RCW; adding new sections to chapter 82.04 RCW; creating new sections; and making an appropriation."

Signed by Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5465 Prime Sponsor, Committee on Health & Long-Term Care: Concerning the ratio of pharmacy assistants. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; Franklin; Morris; Paris; Prentice; and Sprenkle.

Excused: Representative Paris.

Passed to Committee on Rules for second reading.

April 2, 1991

SB 5473 Prime Sponsor, Senator McCaslin: Creating the tort claims revolving fund. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after line 6, strike all material through "RCW 4.92.210." on page 2, line 2 and insert:

"The tort claims revolving fund is created in the custody of the treasurer to be used solely and exclusively for the payment of claims arising out of tortious conduct taking place prior to July 1, 1990 and against both the state and its officers, employees, and volunteers for whom the defense of the claims was authorized under RCW 4.92.070.

Monies paid from the revolving fund for any claim are limited to the amount by which the claim exceeds the amount available to the claimant from any valid and collectible liability insurance. Payment from the revolving fund shall not be made until the claim has been approved for payment in accordance with RCW 4.92.210."

Signed by Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

Passed to Committee on Rules for second reading.

April 4, 1991

SB 5474 Prime Sponsor, Senator Rinehart: Planning a data collection and reporting system on children. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A task force is created to improve the collection and reporting of data about conditions affecting the education and well-being of children. The primary objective of the task force is to provide data aggregated by school districts for use by school districts and state and local policymakers in the planning and evaluation of local and state education programs, practices, and activities.

NEW SECTION. Sec. 2. (1) One representative shall be appointed to the task force created in section 1 of this act from each of the following: Office of the superintendent of public instruction, department of social and health services, department of health, employment security department, department of community development, department of information services, office of financial management, the administrator for the courts, Washington association of school administrators, Washington state school directors' association, the Washington state association of counties, the association of Washington cities, house of representative staff, and senate staff.

(2) The task force shall select a chair from among its members.

(3) The task force shall consult with the Washington school information processing cooperative, educational service districts, groups representing racial and ethnic minorities, and other interested parties.

(4) The Washington state institute for public policy shall coordinate and staff the task force, and may contract for technical consulting services as needed.

NEW SECTION. Sec. 3. The task force shall, by December 1, 1991:

(1) Identify the likely uses for demographic data on the education and well-being of children, and determine what type of data is needed, or would be useful, in the planning and evaluation of local and state education programs, practices, and activities;

(2) Determine the feasibility, cost, and actions required to aggregate the data identified in subsection (1) of this section by school districts;

(3) Determine the feasibility, cost, and actions required to report the data identified in subsection (1) of this section to school districts and state and local policymakers, ensuring that quality control and appropriate confidentiality and privacy safeguards are provided;

(4) Identify measures necessary to ensure the adequate collection and reporting of the data, including the use of common data definitions and reporting timelines;

(5) Implement those actions that can be taken with little or no cost, and identify actions, with proposed timelines, in which additional resources are required;

(6) Examine related issues as the task force deems appropriate; and

(7) Report to the appropriate committees of the legislature its findings, specific actions taken to improve data collection and reporting, and what additional actions and resources are needed to further improve data collection and reporting on the well-being and education of children.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 5. This act shall expire December 1, 1991.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "well-being;" strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Cole; Dorn; Jones; Orr; Phillips; Rasmussen; Roland; and H. Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Berozoff; Broback; Brumsickle; Holland; P. Johnson; and Neher.

Excused: Representative Valle.

Passed to Committee on Rules for second reading.

April 5, 1991

SB 5475 Prime Sponsor, Senator Bauer: Authorizing honorary degrees.
Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 28B.10.802 and 1989 c 254 s 2 are each amended to read as follows:
As used in RCW 28B.10.800 through 28B.10.824:

(1) "Institutions of higher education" shall mean (1) any public university, college, community college, or vocational-technical institute operated by the state of Washington or any political subdivision thereof or any tribally controlled college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid or (2) any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member

institution of an accrediting association recognized by rule of the board for the purposes of this section: PROVIDED, That any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association: PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.10.822.

(2) The term "financial aid" shall mean loans and/or grants to needy students enrolled or accepted for enrollment as a student at institutions of higher education.

(3) The term "needy student" shall mean a post high school student of an institution of higher learning as defined in subsection (1) of this section who demonstrates to the board the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) The term "disadvantaged student" shall mean a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher learning, who would otherwise qualify as a needy student, and who is attending an institution of higher learning under an established program designed to qualify the student for enrollment as a full time student.

(5) "Commission" or "board" shall mean the higher education coordinating board.

Sec. 2. RCW 28B.12.030 and 1974 ex.s. c 177 s 3 are each amended to read as follows:

As used in this chapter, the following words and terms shall have the following meanings, unless the context shall clearly indicate another or different meaning or intent:

(1) The term "needy student" shall mean a student enrolled or accepted for enrollment at a post-secondary institution who, according to a system of need analysis approved by the commission on higher education, demonstrates a financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(2) The term "eligible institution" shall mean any post-secondary institution in this state accredited by the Northwest Association of Secondary and Higher Schools or any public vocational-technical school in the state or any tribally controlled college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid.

Sec. 3. RCW 28B.102.020 and 1987 c 437 s 2 are each amended to read as follows:

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

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in the public schools of this state.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board or any tribally controlled college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid.

(3) "Board" means the higher education coordinating board.

(4) "Eligible student" means a student who is registered for at least ten credit hours or the equivalent, demonstrates achievement of at least a 3.30 grade point average for students entering an institution of higher education directly from high school or maintains at least a 3.00 grade point average or the equivalent for each academic year in an institution of higher education, is a resident student as defined by RCW 28B.15.012 through 28B.15.015, and has a declared intention to complete an approved preparation

program leading to initial teacher certification or required for earning an additional endorsement, or a college or university graduate who meets the same credit hour requirements and is seeking an additional teaching endorsement or initial teacher certification.

(5) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render service as a teacher at a public school in the state of Washington in lieu of monetary repayment.

(7) "Satisfied" means paid-in-full.

(8) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

(9) "Targeted ethnic minority" means a group of Americans with a common ethnic or racial heritage selected by the board for program consideration due to societal concerns such as high dropout rates or low rates of college participation by members of the group.

Sec. 4. RCW 28B.104.020 and 1989 1st ex.s. c 9 s 206 and 1989 c 115 s 1 are each reenacted and amended to read as follows:

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

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders nursing service as a nurse serving in a nurse shortage area, as defined by the state department of health.

(2) "Institution of higher education" or "institution" means a community college, vocational-technical school, college, or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board or any tribally controlled college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid.

(3) "Board" means the higher education coordinating board.

(4) "Eligible student" means a student who has been accepted into a program leading to eligibility for licensure as a licensed practical nurse, or to a program leading to an associate, baccalaureate, or higher degree in nursing or continues satisfactory progress within the program; and has a declared intention to serve in a nurse shortage area upon completion of the educational program.

(5) "Nurse shortage area" means those areas where nurses are in short supply as a result of geographic maldistribution; or specialty areas of nursing, such as geriatrics or critical care, where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The state department of health shall determine nurse shortage areas in the state guided by federal standards of "health manpower shortage areas."

(6) "Forgiven" or "to forgive" or "forgiveness" means to render nursing service in a nurse shortage area in the state of Washington in lieu of monetary repayment.

(7) "Satisfied" means paid-in-full.

(8) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

Sec. 5. RCW 28B.108.010 and 1990 c 287 s 2 are each amended to read as follows:

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

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board or any tribally controlled

college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid.

(2) "Board" means the higher education coordinating board.

(3) "Eligible student" or "student" means an American Indian student as defined by the board in consultation with the advisory committee described in RCW 28B.108.030, who is a financially needy student, as defined in RCW 28B.10.802, who is a resident student, as defined by RCW 28B.15.012(2), who is a full-time student at an institution of higher education, and who promises to use his or her education to benefit other American Indians.

Sec. 6. RCW 28B.10.420 and 1979 c 14 s 1 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, faculty members or other employees designated by the boards of regents of the state universities, the boards of trustees of the regional universities or of The Evergreen State College, or the state board for community college education pursuant to RCW 28B.10.400 through 28B.10.420 as now or hereafter amended shall be retired from their employment with their institutions of higher education not later than the end of the academic year next following their seventieth birthday if their seventieth birthday occurs on or before June 30, 1991. There shall be no mandatory retirement on condition of age for faculty or other designated employees after July 1, 1991.

(2) As provided in this subsection, the board of regents of a state university, the board of trustees of a regional university or The Evergreen State College, or the state board for community college education may reemploy any person who is "retired" pursuant to ~~((subsection (1) of this section, who applies for reemployment and who has reached seventy years of age on or after July 1, 1970))~~ this chapter. The following provisions shall govern such reemployment:

~~(a) ((Prior to the reemployment, the board of regents, board of trustees, or state board shall have found that the person possesses outstanding qualifications which in the judgment of the board would permit the person to continue valuable service to the institution.~~

~~(b))~~ (b)) The period of reemployment shall not be counted as service under, or result in any eligibility for benefits or increased benefits under, any state authorized or supported annuity or retirement income plan. Reemployment shall not result in the reemployed person or employer making any contributions to any such plan.

~~((c) No person may be reemployed on a full time basis if such person is receiving benefits under any state authorized or supported annuity or retirement income plan. The reemployment of any person on a full time basis shall be immediately terminated upon the person's obtaining of any such benefits.~~

~~(d))~~ (b) A person may be reemployed on a part time basis and receive or continue to receive any benefits for which such person is eligible under any state authorized or supported annuity or retirement income plan. Such part time work, however, shall not exceed forty percent of full time employment during any year.

~~((e))~~ (c) A person reemployed pursuant to this section shall comply with all conditions of reemployment and all rules providing for the administration of this subsection which are prescribed or adopted by the board of regents, or board of trustees, or by the state board for community college education.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.10 RCW to read as follows:

By October 31, 1991, each institution of higher education as defined in RCW 28B.10.016 shall use an existing committee or convene a physical access committee to identify barriers to physical access on each of the institution's campuses. The committee shall include, but is not limited to: One or more students with disabilities, one or more members of the faculty and staff with disabilities, the institution's coordinator of disabled student services, administrators, physical plant staff, and others as appropriate.

The committee shall present its findings and recommendations to the institution's administration. Beginning with the 1993-95 capital budget request, each institution shall incorporate into its capital budget process, efforts to substantially reduce and eventually eliminate physical barriers to access.

NEW SECTION. Sec. 8. Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.10.802, 28B.12.030, 28B.102.020, 28B.108.010, and 28B.10.420; reenacting and amending RCW 28B.104.020; adding a new section to chapter 28B.10 RCW; providing an effective date; and declaring an emergency."

Signed by Representatives Jacobsen, Chair; Ogden, Vice Chair; Wood, Ranking Minority Member; May, Assistant Ranking Minority Member; Basich; Dellwo; Fraser; Ludwig; Miller; Prince; Sheldon; and Spanel.

Excused: Representative Van Luven.

Passed to Committee on Rules for second reading.

April 2, 1991

SB 5477 Prime Sponsor, Senator Conner: Authorizing veterans' benefits for Women's Air Forces Service Pilots and merchant marines.
Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 41.04.005 and 1984 c 36 s 1 are each amended to read as follows:

As used in RCW 41.04.005, 41.04.010, 41.16.220, and 41.20.050 "veteran" includes every person, who at the time he or she seeks the benefits of RCW 28B.40.361, 41.04.005, 41.04.010, 41.16.220, 41.20.050, 41.40.170, 73.04.110, or 73.08.080 has received an honorable discharge or received a discharge for physical reasons with an honorable record and(~~(1) Has served in any branch of the armed forces of the United States between World War I and World War II or during any period of war; or (2) has served in any branch of the armed forces of the United States and has received the armed forces expeditionary medal, or Marine Corps and Navy expeditionary medal, for opposed action on foreign soil~~)) who meets at least one of the following two criteria:

(1) The person has served between World War I and World War II or during any period of war as either (a) a member in any branch of the armed forces of the United States, (b) a member of the women's air forces service pilots, or (c) a merchant seaman or crew member employed during the period of armed conflict, December 7, 1941, to August 15, 1945, by the war shipping administration, the office of defense transportation, the United States army transport service, or the naval transportation service; or

(2) The person has received the armed forces expeditionary medal, or marine corps and navy expeditionary medal, for opposed action on foreign soil, for service (a) in any branch of the armed forces of the United States; or (b) as a member of the women's air forces service pilots.

A "period of war" includes World War I, World War II, the Korean conflict, the Vietnam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent

resolution of the congress. The "Vietnam era" means the period beginning August 5, 1964, and ending on May 7, 1975.

Sec. 2. RCW 72.36.035 and 1977 ex.s. c 186 s 11 are each amended to read as follows:

For purposes of this chapter, unless the context clearly indicates otherwise, "actual bona fide residents of this state" shall mean persons who have a domicile in the state of Washington immediately prior to application for membership in the soldiers' home or colony or veterans' home. The term "domicile" shall mean a person's true, fixed, and permanent home and place of habitation, and shall be the place where the person intends to remain, and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere. "Veteran" has the same meaning established in RCW 41.04.005.

Sec. 3. RCW 73.04.090 and 1974 ex.s. c 171 s 45 are each amended to read as follows:

All benefits, advantages or emoluments, not available upon equal terms to all citizens, including but not being limited to preferred rights to public employment, civil service preference, exemption from license fees or other impositions, preference in purchasing state property and special pension or retirement rights, which by any law of this state have been made specially available to war veterans or to persons who have served in the armed forces or defense forces of the United States, shall be available only to persons who have been subject to full and continuous military control and discipline as actual members of the federal armed forces. Service with such forces in a civilian capacity, or in any capacity wherein a person retained the right to terminate his or her service or to refuse full obedience to military superiors, shall not be the basis for eligibility for such benefits. Service in any of the following shall not for purposes of this section be considered as military service: The office of emergency services or any component thereof; the American Red Cross; the United States Coast Guard Auxiliary; United States Coast Guard Reserve Temporary; United States Coast and Geodetic Survey; American Field Service; Civil Air Patrol; Cadet Nurse Corps, and any other similar organization. Other similar organizations do not include any groups defined as "veterans" in RCW 41.04.005.

On page 1, line 1 of the title, after "veterans;" strike the remainder of the title and insert "and amending RCW 41.04.005, 72.36.035, and 73.04.090."

Signed by Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

Referred to Committee on Appropriations.

April 2, 1991

SSB 5478 Prime Sponsor, Committee on Environment & Natural Resources:
Requiring comprehensive solid waste management plans to include provisions for recycling for single and multiple family residences.
Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:
On page 1, beginning on line 6, strike all material through "containers." on line 7

Signed by Representatives Rust, Chair; Valle, Vice Chair; Horn, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; Bray; Brekke; G. Fisher; Neher; Phillips; Pruitt; D. Sommers; Sprengle; and Van Luven.

Passed to Committee on Rules for second reading.

April 2, 1991

SSB 5494 Prime Sponsor, Committee on Financial Institutions & Insurance: Changing remedies for collection of debts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 62A.3-515 and 1986 c 128 s 1 are each amended to read as follows:

(1) Whenever a check as defined in RCW 62A.3-104 has been dishonored by nonacceptance or nonpayment the payee or holder of the check is entitled to collect a reasonable handling fee for each such instrument. When such check has not been paid within fifteen days and after the holder of such check sends such notice of dishonor as provided by RCW 62A.3-520 to the drawer at his or her last known address, then if the instrument does not provide for the payment of interest, or collection costs and attorneys fees, the drawer of such instrument shall also be liable for payment of interest at the rate of twelve percent per annum from the date of dishonor and cost of collection not to exceed forty dollars or the face amount of the check, whichever is the lesser. In addition, in the event of court action on the check the court, after such notice and the expiration of said fifteen days, shall award a reasonable attorneys fee, and three times the face amount of the check or ~~((one))~~ three hundred dollars, whichever is less, as part of the damages payable to the holder of the check. This section shall not apply to any instrument which has been dishonored by reason of any justifiable stop payment order.

(2)(a) Subsequent to the commencement of the action but prior to the hearing, the defendant may tender to the plaintiff as satisfaction of the claim, an amount of money equal to the sum of the amount of the check, a reasonable handling fee, accrued interest, collection costs equal to the face amount of the check not to exceed forty dollars, and the incurred court and service costs.

(b) Nothing in this section precludes the right to commence action in any court under chapter 12.40 RCW for small claims.

Sec. 2. RCW 62A.3-520 and 1986 c 128 s 2 are each amended to read as follows:

The notice of dishonor shall be sent by mail to the drawer at his or her last known address, and said notice shall be substantially in the following form:

NOTICE OF DISHONOR OF CHECK

A check drawn by you and made payable by you to in the amount of has not been accepted for payment by, which is the drawee bank designated on your check. This check is dated, and it is numbered, No.

You are CAUTIONED that unless you pay the amount of this check within fifteen days after the date this letter is postmarked, you may very well have to pay the following additional amounts:

(1) Costs of collecting the amount of the check, including an attorney's fee which will be set by the court;

(2) Interest on the amount of the check which shall accrue at the rate of twelve percent per annum from the date of dishonor; and

(3) (~~One~~) Three hundred dollars or three times the face amount of the check, whichever is less, by award of the court.

You are also CAUTIONED that law enforcement agencies may be provided with a copy of this notice of dishonor and the check drawn by you for the possibility of proceeding with criminal charges if you do not pay the amount of this check within fifteen days after the date this letter is postmarked.

You are advised to make your payment to at the following address:

On page 1, line 1 of the title, after "debts;" strike the remainder of the title and insert "and amending RCW 62A.3-515 and 62A.3-520."

Signed by Representatives Appelwick, Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Ludwig, Vice Chair; Forner; Locke; and Wineberry.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5497 Prime Sponsor, Committee on Commerce & Labor: Revising the right to a construction lien. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. DEFINITIONS. Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Construction agent" means any registered or licensed contractor, registered or licensed subcontractor, architect, engineer, or other person having charge of any improvement to real property, who shall be deemed the agent of the owner for the limited purpose of establishing the lien created by this chapter.

(2) "Contract price" means the amount agreed upon by the contracting parties, or if no amount is agreed upon, then the customary and reasonable charge therefor.

(3) "Draws" means periodic disbursements of interim or construction financing by a lender.

(4) "Furnishing labor, professional services, materials, or equipment" means the performance of any labor or professional services, the contribution owed to any employee benefit plan on account of any labor, the provision of any supplies or materials, and the renting, leasing, or otherwise supplying of equipment for the improvement of real property.

(5) "Improvement" means: (a) Constructing, altering, repairing, remodeling, demolishing, clearing, grading, or filling in, of, to, or upon any real property or street or road in front of or adjoining the same; (b) planting of trees, vines, shrubs, plants, hedges, or lawns, or providing other landscaping materials on any real property; and (c) providing professional services upon real property or in preparation for or in conjunction with the intended activities in (a) or (b) of this subsection.

(6) "Interim or construction financing" means that portion of money secured by a mortgage, deed of trust, or other encumbrance to finance improvement of, or to real property, but does not include:

(a) Funds to acquire real property;

(b) Funds to pay interest, insurance premiums, lease deposits, taxes, assessments, or prior encumbrances;

(c) Funds to pay loan, commitment, title, legal, closing, recording, or appraisal fees;

(d) Funds to pay other customary fees, which pursuant to agreement with the owner or borrower are to be paid by the lender from time to time;

(e) Funds to acquire personal property for which the potential lien claimant may not claim a lien pursuant to this chapter.

(7) "Labor" means exertion of the powers of body or mind performed at the site for compensation. "Labor" includes amounts due and owed to any employee benefit plan on account of such labor performed.

(8) "Mortgagee" means a person who has a valid mortgage of record or deed of trust of record securing a loan.

(9) "Owner" means the record holder of any legal or beneficial title to the real property to be improved or developed.

(10) "Owner-occupied" means a single-family residence occupied by the owner as his or her principal residence.

(11) "Payment bond" means a surety bond issued by a surety licensed to issue surety bonds in the state of Washington that confers upon potential claimants the rights of third party beneficiaries.

(12) "Potential lien claimant" means any person or entity entitled to assert lien rights under this chapter who has otherwise complied with the provisions of this chapter and is registered or licensed if required to be licensed or registered by the provisions of the laws of the state of Washington.

(13) "Prime contractor" includes all contractors, general contractors, and specialty contractors, as defined by chapter 18.27 or 19.28 RCW, or who are otherwise required to be registered or licensed by law, who contract directly with a property owner or their common law agent to assume primary responsibility for the creation of an improvement to real property, and includes property owners or their common law agents who are contractors, general contractors, or specialty contractors as defined in chapter 18.27 or 19.28 RCW, or who are otherwise required to be registered or licensed by law, who offer to sell their property without occupying or using the structures, projects, developments, or improvements for more than one year.

(14) "Professional services" means surveying, establishing or marking the boundaries of, preparing maps, plans, or specifications for, or inspecting, testing, or otherwise performing any other architectural or engineering services for the improvement of real property.

(15) "Real property lender" means a bank, savings bank, savings and loan association, credit union, mortgage company, or other corporation, association, partnership, trust, or individual that makes loans secured by real property located in the state of Washington.

(16) "Site" means the real property which is or is to be improved.

(17) "Subcontractor" means a general contractor or specialty contractor as defined by chapter 18.27 or 19.28 RCW, or who is otherwise required to be registered or licensed by law, who contracts for the improvement of real property with someone other than the owner of the property or their common law agent.

NEW SECTION. Sec. 2. LIEN AUTHORIZED. Except as provided in section 3 of this act, any person furnishing labor, professional services, materials, or equipment for the improvement of real property shall have a lien upon the improvement for the

contract price of labor, professional services, materials, or equipment furnished at the instance of the owner, or the agent or construction agent of the owner.

NEW SECTION. Sec. 3. NOTICES--EXCEPTIONS. (1) Except as otherwise provided in this section, every person furnishing professional services, materials, or equipment for the improvement of real property shall give the owner or reputed owner notice in writing of the right to claim a lien. If the prime contractor is in compliance with the requirements of RCW 19.27.095, 60.04.230, and section 24 of this act, this notice shall be given to the prime contractor unless the potential lien claimant has contracted directly with the prime contractor. The notice may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after the date which is sixty days before:

- (a) Mailing the notice by certified or registered mail to the owner or reputed owner; or
- (b) Serving the notice personally upon the owner or reputed owner and obtaining evidence of service in the form of a receipt or other acknowledgement signed by the owner or reputed owner.

In the case of new construction of a single-family residence, the notice of a right to claim a lien may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after a date which is ten days before the notice is mailed or served as described in this subsection.

(2) Notices of a right to claim a lien shall not be required of:

- (a) Persons who contract directly with the owner or the owner's common law agent;
- (b) Laborers whose claim of lien is based solely on performing labor; or
- (c) Subcontractors who contract for the improvement of real property directly with the prime contractor.

(3) Persons who furnish professional services, materials, or equipment in connection with the repair, alteration, or remodel of an existing owner-occupied single-family residence or appurtenant garage:

(a) Who contract directly with the owner-occupier shall not be required to send a written notice of the right to claim a lien and shall have a lien for the full amount due under their contract, as provided in section 2 of this act; or

(b) Who do not contract directly with the owner-occupier shall give notice of the right to claim a lien to the owner-occupier. Lien claims by persons who do not contract directly with the owner-occupier may only be satisfied from amounts not yet paid to the prime contractor by the owner at the time the notice described in this section is received, regardless of whether amounts not yet paid to the prime contractor are due.

(4) The notice described in subsection (1) of this section, shall include but not be limited to the following information and shall substantially be in the following form, using lower-case and upper-case ten-point type where appropriate.

NOTICE TO OWNER

**IMPORTANT: READ BOTH SIDES OF THIS NOTICE CAREFULLY.
PROTECT YOURSELF FROM PAYING TWICE**

To:.....

Date:.....

From:.....

AT THE REQUEST OF: (Name of person placing the order)

THIS IS NOT A LIEN: This notice is sent to you to tell you who is providing professional services, materials, or equipment for the improvement of your property and to advise you of the rights of these persons and your responsibilities. Also take note that laborers on your project may claim a lien without sending you a notice.

OWNER/OCCUPIER OF EXISTING RESIDENTIAL PROPERTY

Under Washington law, those who work on or provide materials for the repair, remodel, or alteration of your owner-occupied principal residence and who are not paid, have a right to enforce their claim for payment against your property. This claim is known as a construction lien.

The law limits the amount that a lien claimant can claim against your property. Claims may only be made against that portion of the contract you have not yet paid to your prime contractor as of the time you received this notice. Review the back of this notice for more information and ways to avoid lien claims.

COMMERCIAL AND/OR NEW RESIDENTIAL PROPERTY

We have or will be providing labor, materials, professional services, or equipment for the improvement of your commercial or new residential project. In the event you or your contractor fail to pay us, we may file a lien against your property. A lien may be claimed for all materials, equipment, and professional services furnished after a date that is sixty days before this notice was mailed to you, unless the improvement to your property is the construction of a new single-family residence, then ten days before this notice was mailed to you.

Sender:
Address:
Telephone:

Brief description of professional services, materials, or equipment provided or to be provided:

IMPORTANT INFORMATION ON REVERSE SIDE

IMPORTANT INFORMATION FOR YOUR PROTECTION

This notice is sent to inform you that we have or will provide materials, professional services, or equipment for the repair, remodel, or alteration of your property. We expect to be paid by the person who ordered our services, but if we are not paid, we have the right to enforce our claim by filing a construction lien against your property.

LEARN more about the lien laws and the meaning of this notice by discussing with your contractor, suppliers, department of labor and industries, the firm sending you this notice, your lender, or your attorney.

COMMON METHODS TO AVOID CONSTRUCTION LIENS: There are several methods available to protect your property from construction liens. The following are two of the more commonly used methods.

DUAL PAYCHECKS (Joint Checks): When paying your contractor for services or materials, you may make checks payable jointly to the contractor and the firms furnishing you this notice.

LIEN RELEASES: You may require your contractor to provide lien releases signed by all the suppliers and subcontractors from whom you have received this notice. If they cannot obtain lien releases because you have not paid them, you may use the dual payee check method to protect yourself.

YOU SHOULD TAKE WHATEVER STEPS YOU BELIEVE NECESSARY TO PROTECT YOUR PROPERTY FROM LIENS.

YOUR PRIME CONTRACTOR AND YOUR CONSTRUCTION LENDER ARE REQUIRED BY LAW TO GIVE YOU WRITTEN INFORMATION ABOUT LIEN CLAIMS. IF YOU HAVE NOT RECEIVED IT, ASK THEM FOR IT.

(5) Every potential lien claimant providing professional services where no improvement as defined in section 1(5) (a) or (b) of this act has been commenced, and the professional services provided are not visible from an inspection of the real property shall record in the real property records of the county where the property is located a notice which shall contain the provider's name, address, telephone number, legal description of the property, the owner or reputed owner's name, and the general nature of the professional services provided. If such notice is not recorded, the lien claimed

shall be subordinate to the interest of any subsequent mortgagee and invalid as to the interest of any subsequent purchaser who acts in good faith and for a valuable consideration acquires an interest in the property prior to the commencement of an improvement as defined in section 1(5) (a) or (b) of this act without notice of the professional services being provided.

(6) A lien authorized by this chapter shall not be enforced unless the lien claimant has complied with the provisions of this section.

NEW SECTION. Sec. 4. CONTRACTOR REGISTRATION. A contractor or subcontractor required to be registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW, or otherwise required to be registered or licensed by law, shall be deemed the construction agent of the owner for the purposes of establishing the lien created by this chapter only if so registered or licensed. Persons dealing with contractors or subcontractors may rely, for the purposes of this section, upon a certificate of registration issued pursuant to chapter 18.27 RCW or license issued pursuant to chapter 19.28 RCW, or other certificate or license issued pursuant to law, covering the period when the labor, professional services, material, or equipment shall be furnished, and the lien rights shall not be lost by suspension or revocation of registration or license without their knowledge. No lien rights described in this section shall be lost or denied by virtue of the absence, suspension, or revocation of such registration or license with respect to any contractor or subcontractor not in immediate contractual privity with the lien claimant.

NEW SECTION. Sec. 5. PROPERTY SUBJECT TO LIEN. The lot, tract, or parcel of land which is improved is subject to a lien to the extent of the interest of the person for whom the labor, professional services, equipment, or materials were furnished, as the court deems appropriate for satisfaction of the lien. If, for any reason, the title or interest in the land upon which the improvement is situated cannot be subjected to the lien, the court in order to satisfy the lien may order the sale and removal of the improvement which is subject to the lien, from the land.

NEW SECTION. Sec. 6. PRIORITY OF LIEN. The claim of lien created by this chapter upon any lot or parcel of land shall be prior to any lien, mortgage, deed of trust, or other encumbrance which attached to the land after or was unrecorded at the time of commencement of labor or professional services or first delivery of materials or equipment by the lien claimant.

NEW SECTION. Sec. 7. RELEASE OF LIEN RIGHTS. Upon payment and acceptance of the amount due to the lien claimant and upon demand of the owner or the person making payment, the lien claimant shall immediately prepare and execute a release of all lien rights for which payment has been made, and deliver the release to the person making payment. In any suit to compel deliverance of the release thereafter in which the court determines the delay was unjustified, the court shall, in addition to ordering the deliverance of the release, award the costs of the action including reasonable attorneys' fees and any damages.

NEW SECTION. Sec. 8. FRIVOLOUS CLAIM--PROCEDURE. (1) Any owner of real property subject to a recorded notice of claim of lien under this chapter, or the contractor or subcontractor who believes the claim of lien to be frivolous and made without reasonable cause, or clearly excessive may apply to the superior court for the county where the property, or some part thereof is located, for an order directing the lien claimant to appear before the court at a time no earlier than six nor later than fifteen days following the date of service of the application and order on the lien claimant, and show cause, if any he or she has, why the lien claim should not be dismissed, with prejudice.

(2) The order shall clearly state that if the lien claimant fails to appear at the time and place noted the lien claim shall be dismissed, with prejudice and that the lien claimant shall be ordered to pay the costs requested by the applicant including reasonable attorneys' fees.

(3) If no action to foreclose the lien claim has been filed, the clerk of the court shall assign a cause number to the application and obtain from the applicant a filing fee of thirty-five dollars. If an action has been filed to foreclose the lien claim, the application shall be made a part of that action.

(4) If, following a full hearing on the matter, the court determines that the lien claim is frivolous and made without reasonable cause, or clearly excessive, the court shall issue an order dismissing the lien claim if frivolous or reducing the claim if clearly excessive, and awarding costs and reasonable attorneys' fees to the applicant to be paid by the lien claimant. If the court determines that the claim of lien is not frivolous and made with reasonable cause, and is not clearly excessive, the court shall issue and order so stating and awarding costs and reasonable attorneys' fees to the lien claimant to be paid by the applicant.

(5) Proceedings under this section shall not affect other rights and remedies available to the parties under this chapter or otherwise.

NEW SECTION. Sec. 9. RECORDING--TIME--CONTENTS OF LIEN. Every person claiming a lien under section 2 of this act shall record, in the county where the subject property is located, a notice of claim of lien not later than ninety days after the person has ceased to furnish labor, professional services, materials, or equipment or the last date on which employee benefit contributions were due. The notice of claim of lien:

(1) Shall state in substance and effect:

(a) The name, phone number, and address of the claimant;

(b) The first and last date on which the labor, professional services, materials, or equipment was furnished or employee benefit contributions were due;

(c) The name of the person indebted to the claimant;

(d) The street address, legal description, or other description reasonably calculated to identify, for a person familiar with the area, the location of the real property to be charged with the lien;

(e) The name of the owner or reputed owner of the property, if known, and, if not known, that fact shall be stated; and

(f) The principal amount for which the lien is claimed.

(2) Shall be signed by the claimant or some person authorized to act on his or her behalf who shall affirmatively state they have read the notice of claim of lien and believe the notice of claim of lien to be true and correct under penalty of perjury, and shall be acknowledged pursuant to chapter 64.08 RCW. If the claim has been assigned, the name of the assignee shall be stated. Where an action to foreclose the lien has been commenced such notice of claim of lien may be amended as pleadings may be by order of the court insofar as the interests of third parties are not adversely affected by such amendment. A claim of lien substantially in the following form shall be sufficient:

....., claimant, vs .., owner or reputed owner

Notice is hereby given that on the day of (date of commencement of furnishing labor, professional services, materials, or equipment and the last date contributions to any type of employee benefit plan became due), at the request of, commenced to (perform labor, furnish professional services, materials, or equipment) upon (here describe property subject to the lien) of which property the owner, or reputed owner, is (or if the owner or reputed owner is not known, insert the word "unknown"), the (furnishing of labor, professional services, materials, or equipment) ceased on the day of

that said (labor, professional services, material, or equipment) was of the value of dollars, for which the undersigned claims a lien upon the property herein described for the sum of dollars. (In case the claim has been assigned, add the words "and is assignee of said claim", or claims, if several are united.)

....., Claimant.

.....

.....

(Phone number, address, city,
and state of claimant)

STATE OF WASHINGTON, COUNTY OF

.....,ss.

....., being sworn, says: I am the claimant (or attorney of the claimant, or administrator, representative, or agent of the trustees of an employee benefit plan) above named; I have read or heard the foregoing claim, read and know the contents thereof, and believe the same to be true and correct under penalty of perjury.

.....
Subscribed and sworn to before me this day of

.....

The period provided for recording the notice is a period of limitation and no action to foreclose a claim of lien shall be maintained unless the notice is recorded within the ninety-day period stated. The lien claimant shall give notice of the claim of lien to the owner or reputed owner by certified or registered mail or by personal service within fourteen days of the time the claim is recorded. Failure to do so results in a forfeiture of any right the claimant may have to attorneys' fees and costs against the owner under section 18 of this act.

NEW SECTION. Sec. 10. SEPARATE RESIDENTIAL UNITS--TIME FOR FILING. When furnishing labor, professional services, materials, or equipment for the construction of two or more separate residential units, the time for filing claims of lien against each separate residential unit shall commence to run upon the cessation of the furnishing of labor, professional services, materials, or equipment on each residential unit, as provided in this chapter. For the purposes of this section a separate residential unit is defined as consisting of one residential structure together with any garages or other outbuildings appurtenant thereto.

NEW SECTION. Sec. 11. RECORDING--FEES. The county auditor shall record the notice of claim of lien in the same manner as deeds and other instruments of title are recorded under chapter 65.08 RCW. Notices of claim of lien for registered land need not be recorded in the Torrens register. The county auditor shall charge no higher fee for recording notices of claim of lien than other documents.

NEW SECTION. Sec. 12. LIEN--ASSIGNMENT. Any lien or right of lien created by this chapter and the right of action to recover therefor, shall be assignable so as to vest in the assignee all rights and remedies of the assignor, subject to all defenses thereto that might be made.

NEW SECTION. Sec. 13. CLAIMS--DESIGNATION OF AMOUNT DUE. In every case in which the notice of claim of lien is recorded against two or more separate pieces of property owned by the same person or owned by two or more persons jointly or otherwise, who contracted for the labor, professional services, material, or equipment for which the notice of claim of lien is recorded, the person recording the notice of claim of lien shall designate in the notice of claim of lien the amount due on each piece of property, otherwise the lien is subordinated to other liens that may be established under

this chapter. The lien of such claim does not extend beyond the amount designated as against other creditors having liens upon any of such pieces of property.

NEW SECTION. Sec. 14. LIEN--DURATION--PROCEDURAL LIMITATIONS.

No lien created by this chapter binds the property subject to the lien for a longer period than eight calendar months after the notice of claim of lien has been recorded unless an action is filed by the lien claimant within that time in the superior court in the county where the subject property is located to enforce the lien, and service is made upon the owner of the subject property within ninety days of the date of filing the action; or, if credit is given and the terms thereof are stated in the notice of claim of lien, then eight calendar months after the expiration of such credit; and in case the action is not prosecuted to judgment within two years after the commencement thereof, the court, in its discretion, may dismiss the action for want of prosecution, and the dismissal of the action or a judgment rendered thereon that no lien exists shall constitute a cancellation of the lien. This is a period of limitation, which shall be tolled by the filing of any petition seeking protection under Title Eleven, United States Code by an owner of any property subject to the lien established by this chapter.

NEW SECTION. Sec. 15. RIGHTS OF OWNER--RECOVERY OPTIONS. The lien claimant shall be entitled to recover upon the claim recorded the contract price after deducting all claims of other lien claimants to whom the claimant is liable, for furnishing labor, professional services, materials, or equipment; and in all cases where a notice of claim of lien shall be recorded under this chapter for labor, professional services, materials, or equipment supplied to any lien claimant, he or she shall defend any action brought thereupon at his or her own expense; and during the pendency of the action, the owner may withhold from the prime contractor the amount of money for which a claim is recorded by any subcontractor, supplier, or laborer; and in case of judgment against the owner or the owner's property, upon the lien, the owner shall be entitled to deduct the principal amount of the judgment from any amount due or to become due from him or her to the lien claimant plus such costs, including interest and attorneys' fees, as the court deems just and equitable, and he or she shall be entitled to recover back from the lien claimant the amount for which the lien is established in excess of any sum that may remain due from him or her to the lien claimant.

NEW SECTION. Sec. 16. BOND IN LIEU OF CLAIM. Any owner of real property subject to a recorded notice of claim of lien under this chapter, or the contractor or subcontractor who disputes the correctness or validity of the notice of claim of lien may record, either before or after the commencement of an action to enforce the lien, in the office of the county recorder or auditor in the county where the notice of claim of lien was recorded, a bond issued by a surety company authorized to issue surety bonds in the state. The surety shall be listed in the latest federal department of the treasury list of surety companies acceptable on federal bonds, published in the Federal Register, as authorized to issue bonds on United States government projects with an underwriting limitation, including applicable reinsurance, equal to or greater than the amount of the bond to be recorded. The bond shall contain a description of the notice of claim of lien and real property involved, and be in an amount equal to the greater of five thousand dollars or two times the amount of the lien claimed if it is ten thousand dollars or less, and in an amount equal to or greater than one and one-half times the amount of the lien if it is in excess of ten thousand dollars. If the notice of claim of lien affects more than one parcel of real property and is segregated to each parcel, the bond may be segregated the same as in the notice of claim of lien. A separate bond shall be required for each notice of claim of lien made by separate claimants. However, a single bond may be used to guarantee payment of amounts claimed by more than one lien claim by a single claimant so long as the amount of the bond meets the requirements of this section as applied to the aggregate sum of all claims by such claimant. The condition of the bond shall be to guarantee payment of any judgment upon the lien in favor of the lien claimant

entered in any action to recover the amount claimed in a notice of claim of lien, or on the claim asserted in the notice of claim of lien. The effect of recording a bond shall be to release the real property described in the notice of claim of lien from the lien and any action brought to recover the amount claimed. Unless otherwise prohibited by law, if no action is commenced to recover on a lien within the time specified in section 14 of this act, the surety shall be discharged from liability under the bond. If an action is timely commenced, then on payment of any judgment entered in the action or on payment of the full amount of the bond to the holder of the judgment, whichever is less, the surety shall be discharged from liability under the bond.

Nothing in this section shall in any way prohibit or limit the use of other methods, devised by the affected parties to secure the obligation underlying a claim of lien and to obtain a release of real property from a claim of lien.

NEW SECTION. Sec. 17. FORECLOSURE--PARTIES. The lien provided by this chapter, for which claims of lien have been recorded, may be foreclosed and enforced by a civil action in the court having jurisdiction in the manner prescribed for the judicial foreclosure of a mortgage. The court shall have the power to order the sale of the property. In any action brought to foreclose a lien, the owner shall be joined as a party. The lien claims of all persons who, prior to the commencement of the action, have legally recorded claims of lien against the same property, or any part thereof, shall not be foreclosed or affected unless they are joined as a party.

A person shall not begin an action to foreclose a lien upon any property while a prior action begun to foreclose another lien on the same property is pending, but if not made a party plaintiff or defendant to the prior action, he or she may apply to the court to be joined as a party thereto, and his or her lien may be foreclosed in the same action. The filing of such application shall toll the running of the period of limitation established by section 14 of this act until disposition of the application or other time set by the court. The court shall grant the application for joinder unless to do so would create an undue delay or cause hardship which cannot be cured by the imposition of costs or other conditions as the court deems just. If a lien foreclosure action is filed during the pendency of another such action, the court may, on its own motion or the motion of any party, consolidate actions upon such terms and conditions as the court deems just, unless to do so would create an undue delay or cause hardship which cannot be cured by the imposition of costs or other conditions. If consolidation of actions is not permissible under this section, the lien foreclosure action filed during the pendency of another such action shall not be dismissed if the filing was the result of mistake, inadvertence, surprise, excusable neglect, or irregularity. An action to foreclose a lien shall not be dismissed at the instance of a plaintiff therein to the prejudice of another party to the suit who claims a lien.

NEW SECTION. Sec. 18. RANK OF LIEN--APPLICATION OF PROCEEDS--ATTORNEYS' FEES. (1) In every case in which different construction liens are claimed against the same property, the court shall declare the rank of such lien or class of liens, which liens shall be in the following order:

- (a) Liens for the performance of labor;
- (b) Liens for contributions owed to employee benefit plans;
- (c) Liens for furnishing material, supplies, or equipment;
- (d) Liens for subcontractors, including but not limited to their labor and materials;

and

- (e) Liens for prime contractors, or for professional services.

(2) The proceeds of the sale of property must be applied to each lien or class of liens in order of its rank and, in an action brought to foreclose a lien, pro rata among each claimant in each separate priority class. A personal judgment may be rendered against any party personally liable for any debt for which the lien is claimed. If the lien is established, the judgment shall provide for the enforcement thereof upon the property

liable as in the case of foreclosure of judgment liens. The amount realized by such enforcement of the lien shall be credited upon the proper personal judgment. The deficiency, if any, remaining unsatisfied, shall stand as a personal judgment, and may be collected by execution against any party liable therefor.

(3) The court may allow the prevailing party in the action, whether plaintiff or defendant, as part of the costs of the action, the moneys paid for recording the notice of claim of lien, costs of title report, bond costs, and attorneys' fees and necessary expenses incurred by the attorney in the superior court, court of appeals, supreme court, or arbitration, as the court or arbitrator deems reasonable. Such costs shall have the priority of the class of lien to which they are related, as established by subsection (1) of this section.

(4) Real property against which a lien under this chapter is enforced may be ordered sold by the court and the proceeds deposited into the registry of the clerk of the court, pending further determination respecting distribution of the proceeds of the sale.

NEW SECTION. Sec. 19. **EFFECT OF NOTE--PERSONAL ACTION PRESERVED.** The taking of a promissory note or other evidence of indebtedness for any labor, professional services, material, or equipment furnished for which a lien is created by this chapter does not discharge the lien therefor, unless expressly received as payment and so specified therein.

Nothing in this chapter shall be construed to impair or affect the right of any person to whom any debt may be due for the furnishing of labor, professional services, material, or equipment to maintain a personal action to recover the debt against any person liable therefor.

NEW SECTION. Sec. 20. **MATERIAL EXEMPT FROM PROCESS--EXCEPTION.** Whenever material is furnished for use in the improvement of property subject to a lien created by this chapter, the material is not subject to attachment, execution, or other legal process to enforce any debt due by the purchaser of the material, except a debt due for the purchase money thereof, so long as in good faith, the material is about to be applied in the improvement of such property.

NEW SECTION. Sec. 21. **LIEN--EFFECT ON COMMUNITY INTEREST.** The claim of lien, when filed as required by this chapter, shall be notice to the husband or wife of the person who appears of record to be the owner of the property sought to be charged with the lien, and shall subject all the community interest of both husband and wife to the lien.

NEW SECTION. Sec. 22. **NOTICE TO LENDER--WITHHOLDING OF FUNDS.** Any lender providing interim or construction financing where there is not a payment bond of at least fifty percent of the amount of construction financing shall observe the following procedures and the rights and liabilities of the lender and potential lien claimant shall be affected as follows:

(1) Any potential lien claimant who has not received a payment within five days after the date required by their contract, invoice, employee benefit plan agreement, or purchase order may within thirty-five days of the date required for payment of the contract, invoice, employee benefit plan agreement, or purchase order, file a notice as provided in subsections (2) and (3) of this section of the sums due and to become due, for which a potential lien claimant may claim a lien under this chapter.

(2) The notice shall be signed by the potential lien claimant or some person authorized to act on his or her behalf who shall affirmatively state under penalty of perjury, they have read the notice and believe it to be true and correct.

(3) The notice shall be filed in writing with the lender at the office administering the interim or construction financing, with a copy furnished to the owner and appropriate prime contractor. The notice shall state in substance and effect as follows:

(a) The person, firm, trustee, or corporation filing the notice is entitled to receive contributions to any type of employee benefit plan or has furnished labor, professional services, materials, or equipment for which a right of lien is given by this chapter.

(b) The name of the prime contractor, common law agent, or construction agent ordering the same.

(c) A common or street address of the real property being improved or the legal description of the real property.

(d) The name, business address, and telephone number of the lien claimant.

The notice to the lender may contain additional information but shall be in substantially the following form:

NOTICE TO REAL PROPERTY LENDER

(Authorized by RCW)

TO: (Name of Lender)

..... (Administrative Office-Street Address)

..... (City) (State) (Zip)

AND TO: (Owner)

AND TO: (Prime Contractor-If Different Than Owner)

..... (Name of Laborer, Professional, Materials, or Equipment Supplier)

whose business address is, did at the property located at (Check appropriate box) () perform labor () furnish professional services () provide materials () supply equipment as follows:

.....
.....
.....

which was ordered by,

(Name of Person) whose address was stated to be

.....

The amount owing to the undersigned according to contract or purchase order for labor, supplies, or equipment (as above mentioned) is the sum of Dollars

(\$). Said sums became due and owing as of

(State Date)

You are hereby required to withhold from any future draws on existing construction financing which has been made on the subject property (to the extent there remain undisbursed funds) the sum of Dollars

(\$).

IMPORTANT

Failure to comply with the requirements of this notice may subject the lender to a whole or partial compromise of any priority lien interest it may have pursuant to section 23 of this act.

DATE:

By:

Its:

(4) After the receipt of the notice, the lender shall withhold from the next and subsequent draws the amount claimed to be due as stated in the notice. Alternatively, the lender may obtain from the prime contractor or borrower a payment bond for the benefit of the potential lien claimant in an amount sufficient to cover the amount stated in the potential lien claimant's notice. The lender shall be obligated to withhold amounts only to the extent that sufficient interim or construction financing funds remain undisbursed as of the date the lender receives the notice.

(5) Sums so withheld shall not be disbursed by the lender, except by the written agreement of the potential lien claimant, owner, and prime contractor in such form as may be prescribed by the lender, or the order of a court of competent jurisdiction.

(6) In the event a lender fails to abide by the provisions of subsections (4) and (5) of this section, then the mortgage, deed of trust, or other encumbrance securing the lender will be subordinated to the lien of the potential lien claimant to the extent of the interim or construction financing wrongfully disbursed, but in no event more than the amount stated in the notice plus costs as fixed by the court, including reasonable attorneys' fees.

(7) Any potential lien claimant shall be liable for any loss, cost, or expense, including reasonable attorneys' fees and statutory costs, to a party injured thereby arising out of any unjust, excessive, or premature notice filed under purported authority of this section. "Notice" as used in this subsection does not include notice given by a potential lien claimant of the right to claim liens under this chapter where no actual claim is made.

(8)(a) Any owner of real property subject to a notice to real property lender under this section, or the contractor or subcontractor who believes the claim that underlies the notice is frivolous and made without reasonable cause, or clearly excessive may apply to the superior court for the county where the property, or some part thereof is located, for an order commanding the potential lien claimant who issued the notice to the real property lender to appear before the court at a time no earlier than six nor later than fifteen days from the date of service of the application and order on the potential lien claimant, and show cause, if any he or she has, why the notice to real property lender should not be declared void.

(b) The order shall clearly state that if the potential lien claimant fails to appear at the time and place noted, the notice to lender shall be declared void and that the potential lien claimant issuing the notice shall be ordered to pay the costs requested by the applicant including reasonable attorneys' fees.

(c) The clerk of the court shall assign a cause number to the application and obtain from the applicant a filing fee of thirty-five dollars.

(d) If, following a full hearing on the matter, the court determines that the claim upon which the notice to real property lender is based is frivolous and made without reasonable cause, or clearly excessive, the court shall issue an order declaring the notice

to real property lender void if frivolous, or reducing the amount stated in the notice if clearly excessive, and awarding costs and reasonable attorneys' fees to the applicant to be paid by the person who issued the notice. If the court determines that the claim underlying the notice to real property lender is not frivolous and made with reasonable cause, and is not clearly excessive, the court shall issue an order so stating and awarding costs and reasonable attorneys' fees to the issuer of the notice to be paid by the applicant.

(e) Proceedings under this subsection shall not affect other rights and remedies available to the parties under this chapter or otherwise.

NEW SECTION. Sec. 23. FINANCIAL ENCUMBRANCES--PRIORITIES. Except as otherwise provided in section 6 or 22 of this act, any mortgage or deed of trust shall be prior to all liens, mortgages, deeds of trust, and other encumbrances which have not been recorded prior to the recording of the mortgage or deed of trust to the extent of all sums secured by the mortgage or deed of trust regardless of when the same are disbursed or whether the disbursements are obligatory.

NEW SECTION. Sec. 24. AVAILABILITY OF INFORMATION. The prime contractor shall immediately supply the information listed in RCW 19.27.095(2) to any person who has contracted to supply materials, equipment, or professional services or who is a subcontractor on the improvement, as soon as the identity and mailing address of such subcontractor, supplier, or professional is made known to the prime contractor either directly or through another subcontractor, supplier, or professional.

NEW SECTION. Sec. 25. LIBERAL CONSTRUCTION. RCW 19.27.095, 60.04.230, and sections 1 through 24 of this act are to be liberally construed to provide security for all parties intended to be protected by their provisions.

NEW SECTION. Sec. 26. CAPTIONS--NOT PART OF LAW. Section headings as used in sections 1 through 26 of this act do not constitute any part of the law.

Sec. 27. RCW 19.27.095 and 1987 c 104 s 1 are each amended to read as follows:

(1) A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

(2) The requirements for a fully completed application shall be defined by local ordinance but for any construction project costing more than five thousand dollars the application shall include, at a minimum:

(a) The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor;

(b) The property owner's name, address, and phone number;

(c) The prime contractor's business name, address, phone number, current state contractor registration number; and

(d) Either:

(i) The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or

(ii) The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than fifty percent of the total amount of the construction project.

(3) The information required on the building permit application by subsection (2)

(a) through (d) of this section shall be set forth on the building permit document which is issued to the owner, and on the inspection record card which shall be posted at the construction site.

(4) The information required by subsection (2) of this section and information supplied by the applicant after the permit is issued under subsection (5) of this section

shall be kept on record in the office where building permits are issued and made available to any person on request. If a copy is requested, a reasonable charge may be made.

(5) If any of the information required by subsection (2)(d) of this section is not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting under subsection (1) of this section. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.

(6) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW.

Sec. 28. RCW 60.04.230 and 1984 c 202 s 3 are each amended to read as follows:

(1) For any construction project costing more than five thousand dollars (~~where the primary use of the improvements on the real property is for one or more residences~~) the prime contractor shall post in plain view for the duration of the construction project a legible notice at the construction job site containing the following:

(a) The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor;

(b) The property owner's name, address, and phone number;

(c) The prime contractor's business name, address, phone number, current state contractor registration number and identification; and

(d) Either:

(i) The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or

(ii) The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner if the bond is for an amount not less than fifty percent of the total amount of the construction project.

(2) For any construction project (~~not subject to subsection (1) of this section costing more than five thousand dollars, the prime contractor shall post in plain view for the duration of the construction project a legible notice at the construction job site containing the following:~~

~~(a) The legal description or the street address and any other identification of the construction site by the prime contractor;~~

~~(b) The property owner's name, address, and phone number;~~

~~(c) The prime contractor's business name, address, phone number, current state contractor registration number and identification.~~

~~(3)) which requires a building permit under local ordinance, compliance with the posting requirements of RCW 19.27.095 shall constitute compliance with this section. Otherwise, the information shall be posted as set forth in this section.~~

(3) Failure to comply with this section (~~is a gross misdemeanor~~) shall subject the prime contractor to a civil penalty of not more than five thousand dollars, payable to the county where the project is located.

NEW SECTION. Sec. 29. Sections 1 through 26 of this act are each added to chapter 60.04 RCW.

NEW SECTION. Sec. 30. RCW 60.04.045 is recodified as a section in chapter 60.24 RCW.

NEW SECTION. Sec. 31. The following acts or parts of acts are each repealed:

(1) RCW 60.04.010 and 1975 c 34 s 3, 1971 ex.s. c 94 s 2, 1959 c 279 s 1, 1905 c 116 s 1, & 1893 c 24 s 1;

(2) RCW 60.04.020 and 1984 c 202 s 4, 1977 ex.s. c 57 s 1, 1969 ex.s. c 84 s 1, 1965 c 98 s 1, 1959 c 279 s 2, 1959 c 278 s 1, 1957 c 214 s 1, 1911 c 77 s 1, & 1909 c 45 s 1;

- (3) RCW 60.04.030 and 1905 c 116 s 2 & 1893 c 24 s 2;
 (4) RCW 60.04.040 and 1975 c 34 s 4, 1971 ex.s. c 94 s 3, 1959 c 279 s 3, 1929 c 230 s 1, & 1893 c 24 s 3;
 (5) RCW 60.04.050 and 1975 c 34 s 5, 1959 c 279 s 4, & 1893 c 24 s 4;
 (6) RCW 60.04.060 and 1975 c 34 s 6, 1971 ex.s. c 94 s 1, 1959 c 279 s 5, 1949 c 217 s 1(5a), & 1893 c 24 s 5;
 (7) RCW 60.04.064 and 1959 c 279 s 6 & 1949 c 217 s 1(5b);
 (8) RCW 60.04.067 and 1975 c 34 s 7, 1959 c 279 s 7, & 1949 c 217 s 1(5c);
 (9) RCW 60.04.070 and 1985 c 44 s 10, 1949 c 217 s 2, & 1893 c 24 s 6;
 (10) RCW 60.04.080 and 1893 c 24 s 7;
 (11) RCW 60.04.090 and 1959 c 279 s 8 & 1893 c 24 s 8;
 (12) RCW 60.04.100 and 1975 1st ex.s. c 231 s 1, 1943 c 209 s 1, & 1893 c 24 s 9;
 (13) RCW 60.04.110 and 1975 c 34 s 8, 1959 c 279 s 9, & 1893 c 24 s 10;
 (14) RCW 60.04.115 and 1986 c 314 s 4;
 (15) RCW 60.04.120 and 1893 c 24 s 11;
 (16) RCW 60.04.130 and 1975 c 34 s 9, 1971 c 81 s 129, 1969 c 38 s 1, 1959 c 279 s 10, & 1893 c 24 s 12;
 (17) RCW 60.04.140 and 1959 c 279 s 11 & 1893 c 24 s 14;
 (18) RCW 60.04.150 and 1893 c 24 s 15;
 (19) RCW 60.04.160 and 1893 c 24 s 16;
 (20) RCW 60.04.170 and 1893 c 24 s 17;
 (21) RCW 60.04.180 and 1959 c 279 s 12 & 1893 c 24 s 13;
 (22) RCW 60.04.200 and 1984 c 202 s 1 & 1973 1st ex.s. c 47 s 1;
 (23) RCW 60.04.210 and 1984 c 202 s 2, 1975 c 34 s 10, & 1973 1st ex.s. c 47 s 2;
 (24) RCW 60.04.220 and 1973 1st ex.s. c 47 s 3;
 (25) RCW 60.20.010 and 1943 c 18 s 1;
 (26) RCW 60.20.020 and 1943 c 18 s 2;
 (27) RCW 60.20.030 and 1955 c 239 s 1 & 1943 c 18 s 3;
 (28) RCW 60.20.040 and 1943 c 18 s 4;
 (29) RCW 60.20.050 and 1943 c 18 s 5;
 (30) RCW 60.20.060 and 1943 c 18 s 6;
 (31) RCW 60.48.010 and 1931 c 107 s 1; and
 (32) RCW 60.48.020 and 1931 c 107 s 2.

NEW SECTION. Sec. 32. This act shall take effect April 1, 1992. Lien claims based on an improvement commenced by a potential lien claimant on or after April 1, 1992, shall be governed by the provisions of this act.

On page 1, line 1 of the title, after "liens;" strike the remainder of the title and insert "amending RCW 19.27.095 and 60.04.230; adding new sections to chapter 60.04 RCW; adding a new section to chapter 60.24 RCW; recodifying RCW 60.04.045; repealing RCW 60.04.010, 60.04.020, 60.04.030, 60.04.040, 60.04.050, 60.04.060, 60.04.064, 60.04.067, 60.04.070, 60.04.080, 60.04.090, 60.04.100, 60.04.110, 60.04.115, 60.04.120, 60.04.130, 60.04.140, 60.04.150, 60.04.160, 60.04.170, 60.04.180, 60.04.200, 60.04.210, 60.04.220, 60.20.010, 60.20.020, 60.20.030, 60.20.040, 60.20.050, 60.20.060, 60.48.010, and 60.48.020; prescribing penalties; and providing an effective date."

Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

Excused: Representative Lisk, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

April 5, 1991

SSB 5501 Prime Sponsor, Committee on Environment & Natural Resources:
Concerning license renewal for commercial salmon fishers.
Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendment:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The fishing capacity of the non-treaty salmon industry in the state of Washington may exceed that required to harvest non-treaty salmon allocations. This overcapacity can negatively impact the economic stability of the salmon fishing industry and in some instances impedes orderly fisheries. The legislature finds that it is in the best interest of the long term economic stability of the salmon industry to determine the optimum number of commercial salmon licenses that should be available.

NEW SECTION. Sec. 2. The director of the department of fisheries shall, in close cooperation with the salmon fishing industry, investigate the requirements for issuance, retention, and transfer of commercial salmon licenses, shall determine the optimum number of such licenses for each existing gear type and licensing area, and shall determine the best means for attaining that optimum number. The director shall, in making this determination, consider the impacts of all non-treaty fisheries on weak stocks of salmon including those originating in Hood Canal. The director shall also consider possible environmental factors contributing to the declining fishery in Hood Canal. The director shall specifically evaluate the following issues in Hood Canal:

(1) Whether commercial salmon fisheries in Hood Canal should be restricted to certain areas;

(2) Whether guidelines pertaining to depth of nets and distance from the shoreline for vessels or skiffs are necessary; and

(3) Whether more effective methods of minimizing incidental catch in Hood Canal of blackmouth during commercial net fisheries and of coho salmon during the chum salmon fishery are needed.

Based on this evaluation, the director shall determine whether fishing regulations for Hood Canal commercial salmon fisheries should be modified, and how to minimize environmental damage to the bottom and aquatic plant life of Hood Canal.

NEW SECTION. Sec. 3. The director of the department of fisheries shall, in determining the number of licenses that should be issued, consider the impact of commercial incidental catch of fish on the recreational fishery. The director shall evaluate the need for a study for observing and documenting incidental catch of fish in non-treaty commercial fisheries. If a study is determined to be necessary, the director shall develop a study plan for observing and documenting incidental catch. The director shall initiate discussions with tribal representatives concerning evaluation of the incidental catch in tribal fisheries. The department shall present its findings and recommendations under sections 2 and 3 of this act to the legislature on or before December 1, 1991.

The director shall invite members of the house fisheries and wildlife committee and the senate committee on environment and natural resources to attend meetings in which these recommendations are being developed."

Signed by Representatives R. King, Chair; Morris, Vice Chair; Wilson, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Basich; Cole; Haugen; Hochstatter; Orr; Padden; and Spanel.

Passed to Committee on Rules for second reading.

April 5, 1991

SB 5512 Prime Sponsor, Senator McCaslin: Prohibiting connection of a sewer without approval of sewer district. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 56.08 RCW to read as follows:

It is unlawful and a misdemeanor to make, or cause to be made, or to maintain any sewer connection with any sewer of any sewer district, or with any sewer which is connected directly or indirectly with any sewer of any sewer district without having permission from the sewer district.

Sec. 2. RCW 56.12.015 and 1990 c 259 s 23 are each amended to read as follows:

If a three-member board of commissioners of any sewer district with any number of customers determines by resolution ~~((and approves by unanimous vote of the board))~~ that it would be in the best interest of the district to increase the number of commissioners from three to five, or if the board of a sewer district with any number of customers is presented with a petition signed by ten percent of the registered voters resident within the district who voted in the last general municipal election calling for an increase in the number of commissioners of the district, the board shall submit a resolution to the county auditor requesting that an election be held. Upon receipt of the resolution, the county auditor shall call a special election to be held within the sewer district in accordance with RCW 29.13.010 and 29.13.020, at which election a proposition in substantially the following language shall be submitted to the voters:

Shall the Board of Commissioners of(Name and/or No. of sewer district)..... be increased from three to five members?

Yes

No

If the proposition receives a majority approval at the election the board of commissioners of the sewer district shall be increased to five members. In any sewer district with more than ten thousand customers, if a three-member board of commissioners determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five, the number of commissioners shall be so increased, without an election, unless within ninety days of adoption of that resolution, a petition requesting an election and signed by at least ten percent of the registered voters who voted in the last general municipal election is filed with the board. If such a petition is received, the board shall submit the resolution and the petition to the county auditor, who shall call a special election in the manner described in this section and in accordance with the provisions of RCW 29.13.010 and 29.13.020.

The two positions created on boards of sewer commissioners by this section shall be filled initially as for a vacancy, except that the appointees shall draw lots, one appointee to serve until the next general sewer district election after the appointment, at which two commissioners shall be elected for six-year terms, and the other appointee to

serve until the second general sewer district election after the appointment, at which two commissioners shall be elected for six-year terms.

Sec. 3. RCW 56.20.030 and 1986 c 256 s 2 are each amended to read as follows:

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in plans for the proposed improvement as shall be deemed necessary. The board may not change the boundaries of the district to include property not previously included in it without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time provided in this chapter for the original notice.

After the hearing and the expiration of the ten-day period for filing written protests, the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution. The jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested: (a) By protests filed with the secretary of the board (~~before the public hearing~~) no later than ten days after the hearing, signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district or (b) by the commissioners not adopting a resolution ordering the improvement at a public hearing held not more than ninety days from the day the resolution of intention was adopted, unless the commissioners file with the county auditor a copy of the notice required by RCW 56.20.020, and in no event at a hearing held more than two years from the day the resolution of intention was adopted.

If the commissioners find that the district should be formed, they shall by resolution form the district and order the improvement. After execution of the resolution forming the district, the secretary of the board of commissioners shall publish, in a legal publication that serves the area subject to the district, a notice setting forth that a resolution has been passed forming the district and that a lawsuit challenging the jurisdiction or authority of the sewer district to proceed with the improvement and creating the district must be filed, and notice to the sewer district served, within thirty days of the publication of the notice. The notice shall set forth the nature of the appeal. Property owners bringing the appeal shall follow the procedures as set forth under appeal under RCW 56.20.080. Whenever a resolution forming a district has been adopted, the formation is conclusive in all things upon all parties, and cannot be contested or questioned in any manner in any proceeding whatsoever by any person not commencing a lawsuit in the manner and within the time provided in this section, except for lawsuits made under RCW 56.20.080.

Following an appeal, if it is unsuccessful or if no appeal is made under RCW 56.20.080, the commissioners may proceed with the improvement and provide the general funds of the sewer district to be applied thereto, adopt detailed plans of the utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the sewer district such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle the district to proceed with the work. The board of sewer commissioners shall proceed with the work and file with the county treasurer of each county in which the real property is to be assessed its roll levying special assessments in the amount to be paid by special assessment against the property situated within the local improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

Sec. 4. RCW 56.20.080 and 1971 ex.s. c 272 s 11 are each amended to read as follows:

The decision of the sewer commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said sewer commission and with the clerk of the superior court in the county in which the real property is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment. Within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his or her objections thereto, together with the resolution confirming such assessment roll and the record of the sewer district commission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such secretary of said sewer commission and by him or her certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the sewer district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the secretary of such sewer district, that such transcript is filed. Said notice shall state a time, not less than three days from the service thereof, when the appellant will call up the said cause for hearing. The superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such sewer district and actions of forcible entry and detainer. The judgment of the court shall confirm, unless the court shall find from the evidence that such assessment is either founded upon a fundamentally wrong basis or a decision of the council or other legislative body thereon was arbitrary or capricious, or both; in which event the judgment of the court shall correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have the custody of the assessment roll, and he or she shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court, and the record and opening brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this title. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

NEW SECTION. Sec. 5. A new section is added to chapter 57.08 RCW to read as follows:

It is unlawful and a misdemeanor to make, or cause to be made, or to maintain any sewer connection with any sewer of any water district, or with any sewer which is connected directly or indirectly with any sewer of any water district without having permission from the water district.

Sec. 6. RCW 57.12.015 and 1990 c 259 s 29 are each amended to read as follows:

In the event a three-member board of commissioners of any water district with any number of customers determines by resolution ~~((and approves by unanimous vote of the board))~~ that it would be in the best interest of the district to increase the number of commissioners from three to five, or in the event the board of a district with any number of customers is presented with a petition signed by ten percent of the registered voters resident within the district who voted in the last general municipal election calling for an increase in the number of commissioners of the district, the board shall submit a resolution to the county auditor requesting that an election be held. Upon receipt of the resolution, the county auditor shall call a special election to be held within the water district in accordance with RCW 29.13.010 and 29.13.020, at which election a proposition in substantially the following language shall be submitted to the voters:

Shall the Board of Commissioners of

(Name and/or No. of water district) be increased from three to five members?

Yes

No

If the proposition receives a majority approval at the election the board of commissioners of the water district shall be increased to five members. In any water district with more than ten thousand customers, if a three-member board of commissioners determines by resolution and approves by unanimous vote of the board that it would be in the best interest of the district to increase the number of commissioners from three to five, the number of commissioners shall be so increased, without an election, unless within ninety days of adoption of that resolution a petition requesting an election and signed by at least ten percent of the registered voters who voted in the last general municipal election is filed with the board. If such a petition is received, the board shall submit the resolution and the petition to the county auditor, who shall call a special election in the manner described in this section and in accordance with the provisions of RCW 29.13.010 and 29.13.020.

The two positions created on boards of water commissioners by this section shall be filled initially as for a vacancy, except that the appointees shall draw lots, one appointee to serve until the next general water district election after the appointment, at which two commissioners shall be elected for six-year terms, and the other appointee to serve until the second general water district election after the appointment, at which two commissioners shall be elected for six-year terms.

Sec. 7. RCW 57.16.060 and 1986 c 256 s 3 are each amended to read as follows:

Local improvement districts or utility local improvement districts to carry out the whole or any portion of the general comprehensive plan of improvements or plan providing for additions and betterments to the original general comprehensive plan previously adopted may be initiated either by resolution of the board of water commissioners or by petition signed by the owners according to the records of the office of the applicable county auditor of at least fifty-one percent of the area of the land within the limits of the local improvement district to be created.

In case the board of water commissioners desires to initiate the formation of a local improvement district or a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed local improvement district or utility local improvement district, and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed

district, and fixing a date, time, and place for a public hearing on the formation of the proposed local district.

In case any such local improvement district or utility local improvement district is initiated by petition, such petition shall set forth the nature and territorial extent of the proposed improvement requested to be ordered and the fact that the signers thereof are the owners according to the records of the applicable county auditor of at least fifty-one percent of the area of land within the limits of the local improvement district or utility local improvement district to be created. Upon the filing of such petition the board shall determine whether the petition is sufficient, and the board's determination thereof shall be conclusive upon all persons. No person may withdraw his or her name from the petition after it has been filed with the board of water commissioners. If the board finds the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of the improvement, designating the number of the proposed local district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time, and place for a public hearing on the formation of the proposed local district.

Notice of the adoption of the resolution of intention, whether the resolution was adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of water commissioners. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed improvement district by mailing the notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer of the county in which the real property is located at the address shown thereon. Whenever such notices are mailed, the water commissioners shall maintain a list of such reputed property owners, which list shall be kept on file at a location within the water district and shall be made available for public perusal. The notices shall refer to the resolution of intention and designate the proposed improvement district by number. The notices shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the date, time, and place of the hearing before the board of water commissioners. In the case of improvements initiated by resolution, the notice shall also: (1) State that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of water commissioners no later than ten days after the public hearing; (2) state that if owners of at least forty percent of the area of land within the proposed district file written protests with the secretary of the board, the power of the water commissioners to proceed with the creation of the proposed district shall be divested; (3) provide the name and address of the secretary of the board; and (4) state the hours and location within the water district where the names of the property owners within the proposed district are kept available for public perusal. In the case of the notice given each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract, parcel of land, or other property.

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in the plans for the proposed improvement as shall be deemed necessary. The board may not change the boundaries of the district to include

property not previously included in it without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time provided in this chapter for the original notice.

After the hearing and the expiration of the ten-day period for filing written protests, the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution. The jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board ~~((before the public hearing))~~ no later than ten days after the hearing, signed by the owners, according to the records of the applicable county auditor, of at least forty percent of the area of land within the proposed local district.

If the commissioners find that the district should be formed, they shall by resolution form the district and order the improvement. After execution of the resolution forming the district, the secretary of the board of commissioners shall publish, in a legal publication that serves the area subject to the district, a notice setting forth that a resolution has been passed forming the district and that a lawsuit challenging the jurisdiction or authority of the water district to proceed with the improvement and creating the district must be filed, and notice to the water district served, within thirty days of the publication of the notice. The notice shall set forth the nature of the appeal. Property owners bringing the appeal shall follow the procedures as set forth under appeal under RCW 57.16.090. Whenever a resolution forming a district has been adopted, the formation is conclusive in all things upon all parties, and cannot be contested or questioned in any manner in any proceeding whatsoever by any person not commencing a lawsuit in the manner and within the time provided in this section, except for lawsuits made under RCW 57.16.090.

Following an appeal, if it is unsuccessful or if no appeal is made under RCW 57.16.090, the commissioners may proceed with the improvement and provide the general funds of the water district to be applied thereto, adopt detailed plans of the local improvement district or utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the water district such eminent domain proceedings as may be necessary to entitle the district to proceed with the work. The board shall thereupon proceed with the work and file with the county treasurer of the county in which the real property is located its roll levying special assessments in the amount to be paid by special assessment against the property situated within the improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

Sec. 8. RCW 57.16.090 and 1988 c 202 s 53 are each amended to read as follows:

The decision of the water district commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said water district commission and with the clerk of the superior court in the county in which the real property is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment; and within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of the court, a transcript consisting of the assessment roll and the appellant's objections thereto, together with the resolution confirming such assessment roll and the record of the water district commission with reference to the assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by the secretary of the water district commission certified by the secretary to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At

the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful to pay all costs to which the water district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, the appellant shall give written notice to the secretary of such water district, that such transcript is filed. The notice shall state a time, not less than three days from the service thereof, when the appellant will call up the cause for hearing; and the superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury; and such cause shall have preference over all civil causes pending in the court, except proceedings under an act relating to eminent domain and actions of forcible entry and detainer. The judgment of the court shall confirm, unless the court shall find from the evidence that such assessment is either founded upon the fundamentally wrong basis or a decision of the council or other legislative body thereon was arbitrary or capricious, or both; in which event the judgment of the court shall correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, who shall modify and correct such assessment roll in accordance with such decision. Appellate review of the judgment of the superior court may be sought as in other civil cases. However, the review must be sought within fifteen days after the date of the entry of the judgment of such superior court. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 56.12.015, 56.20.030, 56.20.080, 57.12.015, 57.16.060, and 57.16.090; adding a new section to chapter 56.08 RCW; adding a new section to chapter 57.08 RCW; and prescribing penalties."

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Passed to Committee on Rules for second reading.

April 2, 1991

SSB 5518 Prime Sponsor, Committee on Energy & Utilities: Regulating pay-per-call services. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 16, after "calls." insert ""Information provider" does not include the medium for advertising information delivery services."

On page 2, line 28, beginning with "registered" strike all material through "customer" on line 29 and insert "providing"

On page 3, line 14, after "whatsoever." strike all material through "directories." on line 15 and insert ""Advertisement" does not include any listing in a white page telephone

directory. In a yellow page telephone directory, "advertisement" includes only yellow page display advertising."

On page 5, line 12, strike "Advertisements" and insert "(a) Except as otherwise provided in (b) of this subsection, advertisements"

On page 5, after line 16, insert "(b) In telephone directory yellow page display advertising and in printed materials published not more than three times a year, instead of disclosing the cost of the service, advertisements for information delivery services, shall include the conspicuous disclosure that the call is a pay-per-call service."

Signed by Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Casada; Cooper; Jacobsen; and Rayburn.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher and Miller.

Excused: Representative Cooper.

Passed to Committee on Rules for second reading.

April 2, 1991

ESSB 5526 Prime Sponsor, Committee on Commerce & Labor: Governing employee noncompetition clauses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment: On page 2, line 2, after "means" strike "a reasonable" and insert "an"

Signed by Representatives Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; and Vance.

MINORITY recommendation: Without recommendation. Signed by Representatives Heavey, Chair and Wilson.

Passed to Committee on Rules for second reading.

April 4, 1991

SB 5528 Prime Sponsor, Senator Rinehart: Allowing local literacy programs for children. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments: On page 2, line 19, after "1990 c 290 s" strike "3" and insert "5"

On page 1, line 3 of the title, after "1990 c 290 s" strike "3" and insert "5"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Vance, Assistant Ranking Minority Member;

Betrozoff; Broback; Brumsickle; Cole; Dorn; Holland; P. Johnson; Jones; Neher; Orr; Phillips; Rasmussen; Roland; and H. Sommers.

Excused: Representative Valle.

Passed to Committee on Rules for second reading.

April 2, 1991

SSB 5536 Prime Sponsor, Committee on Energy & Utilities: Studying the state's telecommunication services for the hearing impaired. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Casada; Cooper; R. Fisher; Jacobsen; Miller; and Rayburn.

Excused: Representative Cooper.

Referred to Committee on Appropriations.

April 2, 1991

SB 5544 Prime Sponsor, Senator Metcalf: Authorizing corporations to use a private mailbox as a mailing address. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 14, delete all material through "made" on page 2, line 6 and insert "the secretary of state may permit the use of the following mailing addresses in conjunction with the registered office address if the corporation also maintains on file the specific geographic address of the registered office where personal service of process may be made:

(i) a post office address in the same city as the registered office; or

(ii) an address at a commercial mail receiving agency in the same city as the registered office that rents private mailboxes upon condition that the corporation provide an alternative mailing address to be used if mail sent to the commercial mail receiving agency is returned to the secretary of state. The alternative mailing address must be a United States postal service post office address in the same state as the registered office or be the address of the registered office ((in conjunction with the registered office address if the corporation also maintains on file the specific geographic address of the registered office where personal service of process may be made))"

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Hargrove; Insee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Excused: Representatives Ludwig, Vice Chair; Forner; R. Meyers; Mielke; and Wineberry.

Passed to Committee on Rules for second reading.

April 2, 1991

ESSB 5552 Prime Sponsor, Committee on Energy & Utilities: Requiring certification of water systems operators. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:
On page 3, line 2, after "system" strike all material through "residences," on line

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On page 3, line 6, after "connections." insert "A group A water system does not include a system serving fewer than fifteen single-family residences, regardless of the number of people."

Signed by Representatives Rust, Chair; Valle, Vice Chair; Horn, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; Bray; Brekke; G. Fisher; Neher; Phillips; Pruitt; D. Sommers; Sprengle; and Van Luven.

Passed to Committee on Rules for second reading.

April 5, 1991

ESSB 5555 Prime Sponsor, Committee on Ways & Means: Providing assistance for timber harvesting areas. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. FINDINGS AND INTENT. The legislature finds that:

(1) The economic health and well-being of timber-dependent communities is of substantial public concern. The significant reduction in annual timber harvest levels likely will result in reduced economic activity and persistent unemployment and underemployment over time, which would be a serious threat to the safety, health, and welfare of residents of the timber-dependent communities, decreasing the value of private investments and jeopardizing the sources of public revenue.

(2) The state is experiencing a dual economy, where growth is occurring rapidly in some areas and is occurring slowly or not at all in other areas. This uneven growth rate across the state is causing some areas to suffer negative impacts from too much growth while other areas experience difficulty in creating adequate economic development. Inadequate economic development is a serious threat to the public safety, health, and welfare of a community. The state has an interest in encouraging growth state-wide, which reduces the negative impacts of growth in rapidly growing areas and assists areas of the state in need of economic development.

(3) Timber-dependent communities are most often located in areas that are experiencing little or no economic growth, creating an even greater risk to the health, safety, and welfare of these communities. The ability to remedy problems caused by the substantial reduction in harvest activity is beyond the power and control of the regulatory process and influence of the state, and the ordinary operations of private enterprise without additional governmental assistance are insufficient to adequately remedy the resulting problems of poverty and unemployment.

(4) The revitalization and diversification of the economies of timber-dependent communities require the stimulation of private investment, the development of new business ventures, the provision of capital to ventures sponsored by local organizations and capable of growth in the business markets, and assistance to viable, but under-financed, small businesses in order to create and preserve jobs that are sustainable in the local economy. Therefore, the legislature declares there to be a substantial public purpose in providing capital to promote economic development and job creation in distressed areas in general and timber-dependent communities in particular. To accomplish this purpose, it is the intent of the legislature to:

(a) Increase the public financing of infrastructure necessary for economic development and make such financing more flexible;

(b) Increase and target the amount of public financing available to businesses to better create or preserve jobs through formation or expansion of viable enterprises;

(c) Provide technical and financial assistance to businesses to increase the export of products from timber-dependent communities;

(d) Increase the resources available to associated development organizations to provide economic and community development services in timber-dependent communities and to provide resource and referral services to the community regarding state and local economic and community development services;

(e) Increase training and retraining services accessible to timber-dependent communities; and

(f) Provide for coordination of noneconomic development services in timber-dependent communities as economic development efforts will not succeed unless social, housing, health, and other needs are addressed.

Sec. 2. RCW 43.160.010 and 1989 c 431 s 61 are each amended to read as follows:

INFRASTRUCTURE FINANCING--CERB--INTENT. (1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

(3) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(4) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Distressed areas and timber-dependent communities do not share in the economic vitality of the Puget Sound region. Infrastructure is one of several ingredients that are critical for economic development. Distressed areas and timber-dependent communities generally lack the infrastructure necessary to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the availability of funds to help provide infrastructure to distressed areas and timber-dependent communities.

Sec. 3. RCW 43.160.020 and 1985 c 466 s 58 are each amended to read as follows:

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

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

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

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

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

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking

association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) Until July 1, 1995, "timber-dependent community" means a county, city, or town located in a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average, (b) a direct lumber and wood products job loss of one hundred or more, or (c) an annual unemployment rate twenty percent or more above the state average.

(12) Until July 1, 1995, "small scale tourism project" means a project that where added to the current facilities in the area attracts additional visitors for overnight stays and will be used primarily by nonresidents of the immediate area. A small scale tourism project may be a new project or an expansion or refurbishment of an existing facility.

NEW SECTION. Sec. 4. A new section is added to chapter 43.160 RCW to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in timber-dependent communities that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Industrial projects must be approved by the local government and the associate development organization. Applicants must demonstrate that small scale tourism projects have been approved by the local government and are part of a regional tourism plan approved by the local and regional tourism organizations.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a small scale tourism project.

(6) Applications must demonstrate local match and participation. The amount of local match shall not be less than twenty percent of the total dollar amount sought in the application. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for small scale tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when,

and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(11) The board shall establish guidelines for making grants and loans under this section. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities;

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals; and

(c) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

(12) This section shall expire July 1, 1995.

NEW SECTION. Sec. 5. A new section is added to chapter 43.160 RCW to read as follows:

(1) For the 1991-93 biennium, half of all funds appropriated to the department for purposes of this chapter shall be used for section 4 of this act.

(2) This section shall expire on July 1, 1993.

Sec. 6. RCW 43.160.080 and 1987 c 422 s 6 are each amended to read as follows:

INFRASTRUCTURE--CERB--REVOLVING LOAN FUND REPAYMENTS.

There shall be a fund known as the public facilities construction loan revolving fund, which shall consist of all moneys collected under this chapter, except moneys of the board collected in connection with the issuance of industrial development revenue bonds, and any moneys appropriated to it by law: PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the fund under section 901, chapter 57, Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83.184. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving fund shall be subject in all respects to chapter 43.88 RCW(~~but no appropriation is required to permit expenditures and payment of obligations from the fund~~)).

Moneys in this fund not needed to meet the current expenses and obligations of the board shall be invested in the manner authorized for moneys in revolving funds. Any interest earned shall be deposited in this fund and shall be used for the purposes specified in this chapter. The state treasurer shall render reports to the board advising of the status of any funds invested, the market value of the assets as of the date the statement is rendered, and the income received from the investments during the period covered by the report.

NEW SECTION. Sec. 7. A new section is added to chapter 43.31 RCW to read as follows:

INCREASING EXPORTS FROM TIMBER-DEPENDENT COMMUNITIES. (1) Marketing is a vital element in expanding the economies of timber-dependent communities. The export of products produced in timber-dependent areas contributes substantial economic benefits to these communities, including an increase in jobs and an increase in tax revenues to the state and local governments.

(2)(a) Subject to funding for this subsection, the department shall contract with the small business export finance assistance center, created in chapter 43.210 RCW, to assist businesses in timber-dependent communities obtain financing for the export of their products. The department shall assist the small business export finance assistance center to ensure the services available under this subsection are understood and accessible in timber-dependent communities.

(b) Subject to funding for the necessary reserve funds, the Washington economic development finance authority, created in chapter 43.163 RCW, shall provide financing for export transactions where the product being exported is produced in timber-dependent communities.

(3) The department may make rules that are necessary to carry out this section and to coordinate the services described in this section and to prioritize the services based on greatest negative impact from the harvest reductions.

(4) For purposes of this section, the definition of "timber-dependent community" is the same as RCW 43.160.020.

NEW SECTION. Sec. 8. A new section is added to chapter 43.31 RCW to read as follows:

(1) The Washington wood products competitiveness commission is created. The commission shall have nine members as follows:

(a) One representative each from the departments of trade and economic development, community development, natural resources, and the employment security department appointed by the directors or the commissioners of the respective departments;

(b) One representative of the office of financial management, who shall chair the commission, appointed by the governor;

(c) One representative of the Washington hardwoods commission appointed by the hardwoods commission;

(d) One member representing primary wood products manufacturers appointed by the director of the department; and

(e) Two members representing secondary wood products manufacturers appointed by the director of the department.

(2) Since the best hope for quickly replacing some of the jobs being lost in primary manufacturing may be in value-added and secondary manufacturing, the legislature intends that the commission design a set of programs to stimulate the growth of value-added and secondary wood products manufacturing in Washington and increase the involvement of the wood products industry in value-added products and business networks.

(3) The legislature also intends that after two years, the commission become industry supported and industry operated.

(4) Members not representing state government shall serve a term of three years, with the initial members serving staggered terms of one year, two years, and three years as determined by the director of the department.

(5) Travel expenses may be reimbursed under RCW 43.03.050 and 43.03.060.

(6) Staff support for the commission shall be provided by the department.

NEW SECTION. Sec. 9. A new section is added to chapter 43.31 RCW to read as follows:

The Washington wood products competitiveness commission shall:

(1) Gather, analyze, and disseminate information about the competitiveness of the wood products industry in this state and make that information available to the wood products industry, state government, and the general public.

(2) Encourage cooperation among wood products firms through the formation of business networks to develop solutions to technology and product development problems, acquire and disseminate marketing information, promote and market wood products of this state, and address other common industry problems.

(3) Assist the department in the department's efforts to increase the competitiveness of the industry and increase the production of value-added products by contracting for feasibility studies and product research and development. The contracts under this subsection shall:

(a) Be of general benefit to the industry rather than intended to benefit a specific firm; and

(b) Be for such activities as identifying options, assessing markets, evaluating business and financial risks, addressing production issues, and assessing new technologies.

(4) Work with state agencies, wood products firms, wood products industry associations, and institutions of higher education in this state to assure close coordination of all efforts to improve the competitiveness of the wood products industry in this state.

(5) Report periodically to the governor, the legislature, the wood products industry, and the general public on the competitive position of the wood products industry in this state, and make such recommendations as the commission determines appropriate for public or private actions needed to improve the competitiveness of the wood products industry in this state. The commission shall recommend, by January 1, 1992, how to change this public commission into a commodity-style industry commission, and recommend a fair method of assessment for the industry to fund the commission.

NEW SECTION. Sec. 10. A new section is added to chapter 43.31 RCW to read as follows:

The Washington wood products competitiveness commission may:

(1) Engage, with private sector funds only, in informational and promotional activities to increase the awareness and recognition of the value of wood products in this state and of the contribution of wood products to the economy of this state.

(2) Contract for research activities to develop and apply new technologies for wood products manufacture related to the commission's and the department's efforts to make value-added wood products industries more competitive. Any public funds used for this subsection shall be matched at least dollar for dollar by private funds. In carrying out research for development and application of new manufacture technologies, the commission may promote activities including, but not limited to:

(a) Improved utilization of wood wastes;

(b) Improved utilization of lower grade and underutilized lumber;

(c) Alternative uses for underutilized species of softwood and hardwood;

(d) New and improved utilization of select and clear grade lumber to produce high quality and high value-added wood products in Washington;

(e) Identifying unique properties and characteristics of wood species of this state and determining products particularly suited to those properties and characteristics; or

(f) Providing access to testing facilities and services for wood products firms in this state.

NEW SECTION. Sec. 11. A new section is added to chapter 43.06 RCW to read as follows:

COORDINATION OF STATE AND LOCAL SERVICES. (1) The governor, or the governor's designee, shall coordinate state noneconomic development related assistance provided to timber-dependent communities to ensure state services are delivered effectively and efficiently and coordinated locally with minimal duplication and maximum local access.

(2) Associate development organizations located in timber-dependent communities shall assist the governor in coordinating the delivery of state economic development related services locally. The associate development organization, as the primary local coordinating organization for state and local economic development services, shall provide resource and referral services to ensure state and local economic development services are delivered effectively and efficiently with minimal duplication and maximum local access.

NEW SECTION. Sec. 12. Subject to an appropriation in the 1991 omnibus appropriations act by June 30, 1991, for the purposes of this section, the department of trade and economic development shall contract with associate development organizations in timber-dependent communities to provide additional coordination and economic development services. For purposes of this subsection "timber-dependent community" means a distressed county, as defined in RCW 43.160.020, that meets at least one of the following two criteria for the most recent year such data is available: (1) A lumber and wood products employment location quotient at or above the state average or (2) a direct lumber and wood products job loss of one hundred or more. Associate development organizations shall provide representation on their board of directors of cities, counties, businesses, and community-based public service organizations.

NEW SECTION. Sec. 13. TITLE. This act may be referred to as "the omnibus timber community assistance act."

NEW SECTION. Sec. 14. SECTION HEADINGS ARE NOT LAW. Section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 43.160.010, 43.160.020, and 43.160.080; adding new sections to chapter 43.160 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.06 RCW; creating new sections; and declaring an emergency."

Signed by Representatives Cantwell, Chair; Sheldon, Vice Chair; Forner, Ranking Minority Member; Betrozoff, Assistant Ranking Minority Member; Ferguson; Kremen; Ludwig; Moyer; Rasmussen; Riley; and Roland.

Referred to Committee on Appropriations.

April 5, 1991

SB 5558 Prime Sponsor, Senator Sellar: Providing for the adoption and enforcement of child labor regulations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Fuhrman, Ranking Minority Member; Lisk; Franklin; Jones; R. King; O'Brien; Prentice; and Wilson.

MINORITY recommendation: Do not pass. Signed by Representative Cole, Vice Chair.

Excused: Representative Vance.

Passed to Committee on Rules for second reading.

April 4, 1991

SB 5560 Prime Sponsor, Senator McDonald: Transferring power and duty to enforce cigarette and tobacco laws to the liquor control board. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 66.28.090 and 1981 1st ex.s. c 5 s 20 are each amended to read as follows:

(1) All licensed premises used in the manufacture, storage, or sale of liquor, or any premises or parts of premises used or in any way connected, physically or otherwise, with the licensed business, and/or any premises where a banquet permit has been granted, shall at all times be open to inspection by any liquor and tobacco enforcement officer, inspector, or peace officer.

(2) Every person, being on any such premises and having charge thereof, who refuses or fails to admit a liquor and tobacco enforcement officer, inspector, or peace officer demanding to enter therein in pursuance of this section in the execution of ~~((his/her))~~ his or her duty, or who obstructs or attempts to obstruct the entry of such liquor and tobacco enforcement officer, inspector, or officer of the peace, or who refuses to allow a liquor and tobacco enforcement officer, and/or an inspector to examine the books of the licensee, or who refuses or neglects to make any return required by this title or the ~~((regulations))~~ rules, shall be guilty of a violation of this title.

Sec. 2. RCW 66.44.010 and 1987 c 202 s 224 are each amended to read as follows:

(1) All county and municipal peace officers are hereby charged with the duty of investigating and prosecuting all violations of this title, and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and all fines imposed for violations of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor shall belong to the county, city, or town wherein the court imposing the fine is located, and shall be placed in the general fund for payment of the salaries of those engaged in the enforcement of the provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor: PROVIDED, That all fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(2) In addition to any and all other powers granted, the board shall have the power to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor.

(3) In addition to the other duties under this section, the board shall enforce chapters 82.24 and 82.26 RCW.

(4) The board may appoint and employ, assign to duty and fix the compensation of, officers to be designated as liquor and tobacco enforcement officers. Such ~~((liquor))~~ enforcement officers shall have the power, under the supervision of the board, to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and the provisions of chapters 82.24 and 82.26 RCW relating to cigarettes and tobacco. They shall have the power and authority to serve and execute all warrants and process of law issued by the courts in enforcing the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and the provisions of chapters 82.24 and 82.26 RCW relating to cigarettes and tobacco. They shall have the power to arrest without a warrant any person or persons found in the act of violating any of the penal provisions of this title or of any

penal law of this state relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and the provisions of chapters 82.24 and 82.26 RCW relating to cigarettes and tobacco.

Sec. 3. RCW 66.44.370 and 1981 1st ex.s. c 5 s 27 are each amended to read as follows:

No person shall knowingly or willfully resist or oppose any state, county, or municipal peace officer, or liquor and tobacco enforcement officer, in the discharge of ~~((his/her))~~ his or her duties under Title 66 RCW, or aid and abet such resistance or opposition. Any person who violates this section shall be guilty of a violation of this title and subject to arrest by any such officer.

Sec. 4. RCW 82.24.010 and 1961 c 15 s 82.24.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Wholesaler" means every person who purchases, sells, or distributes any one or more of the articles taxed herein to retailers for the purpose of resale only;

(2) "Retailer" means every person, other than a wholesaler, who purchases, sells, offers for sale, or distributes any one or more of the articles taxed herein, irrespective of quantity or amount, or the number of sales, and all persons operating under a retailer's registration certificate;

(3) ~~((("Retail selling price" means the ordinary, customary or usual price paid by the consumer for each package of cigarettes, the tax levied by this chapter and tax levied by this state;~~

(4)) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state;

~~((5))~~ (4) "Stamp" means the stamp or stamps or meter impressions by use of which the tax levy under this chapter is paid;

(5) "Board" means the liquor control board;

(6) The meaning attributed, in chapter 82.04 RCW, to the words "person," "sale," "business," and "successor" shall apply equally in the provisions of this chapter.

Sec. 5. RCW 82.24.027 and 1986 c 3 s 12 are each amended to read as follows:

There is hereby levied and there shall be collected by the ~~((department of revenue))~~ board from the persons mentioned in and in the manner provided by this chapter, an additional tax upon the sale, use, consumption, handling, possession, or distribution of cigarettes in an amount equal to the rate of four mills per cigarette.

The moneys collected under this section shall be deposited in the water quality account under RCW 70.146.030 through June 30, 2021, and in the general fund thereafter.

Sec. 6. RCW 82.24.030 and 1990 c 216 s 1 are each amended to read as follows:

In order to enforce collection of the tax hereby levied, the ~~((department of revenue))~~ board shall design and have printed stamps of such size and denominations as may be determined by the ~~((department))~~ board, such stamps to be affixed on the smallest container or package that will be handled, sold, used, consumed, or distributed, to permit the ~~((department))~~ board to readily ascertain by inspection, whether or not such tax has been paid. Except as otherwise provided in this chapter, every person shall cause to be affixed on every package of cigarettes, stamps of an amount equaling the tax due thereon before he or she sells, offers for sale, uses, consumes, handles, removes, or otherwise disturbs and distributes the same: PROVIDED, That where it is established to the satisfaction of the ~~((department))~~ board that it is impractical to affix such stamps to the smallest container or package, the ~~((department))~~ board may authorize the affixing of stamps of appropriate denomination to a large container or package.

The ~~((department))~~ board may authorize the use of meter stamping machines for imprinting stamps, which imprinted stamps shall be in lieu of those otherwise provided for under this chapter, and if such use is authorized, shall provide reasonable rules ~~((and regulations))~~ with respect thereto.

Sec. 7. RCW 82.24.040 and 1990 c 216 s 2 are each amended to read as follows:

No wholesaler in this state may possess within this state unstamped cigarettes except that:

(1) Every wholesaler in the state who is licensed under Washington state law may possess within this state unstamped cigarettes for such period of time after receipt as is reasonably necessary to affix the stamps as required; and

(2) Any wholesaler in the state who is licensed under Washington state law and who furnishes a surety bond in a sum satisfactory to the ~~((department))~~ board, shall be permitted to set aside, without affixing the stamps required by this chapter, such part of ~~((his))~~ the wholesaler's stock as may be necessary for the conduct of ~~((his))~~ the wholesaler's business in making sales to persons in another state or foreign country, to instrumentalities of the federal government, or to the established governing bodies of any Indian tribe, recognized as such by the United States Department of the Interior. Such unstamped stock shall be kept separate and apart from stamped stock.

(3) Every wholesaler licensed under Washington state law shall, at the time of shipping or delivering any of the articles taxed herein to a point outside of this state, or to a federal instrumentality, or to an Indian tribal organization, make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery, whether or not stamps were affixed thereto, and shall transmit such true duplicate invoice to the main office of the ~~((department))~~ board, at Olympia, not later than the fifteenth day of the following calendar month, and for failure to comply with the requirements of this section the ~~((department))~~ board may revoke the permission granted to the taxpayer to maintain a stock of goods to which the stamps required by this chapter have not been affixed. The ~~((department))~~ board may also revoke this permission to maintain a stock of unstamped goods for sale to a specific Indian tribal organization when it appears that sales of unstamped cigarettes to persons who are not enrolled members of a recognized Indian tribe are taking place, or have taken place, within the exterior boundaries of the reservation occupied by that tribe.

Sec. 8. RCW 82.24.050 and 1990 c 216 s 3 are each amended to read as follows:

~~((No))~~ Every retailer ~~((in this state may possess unstamped cigarettes within this state unless the retailer is licensed under Washington state law and, within a period of time after receipt of any of the articles taxed herein as is reasonably necessary for the purpose, causes the same to have the requisite denomination and amount of stamps affixed to represent the tax imposed herein: PROVIDED, That those articles to which stamps have been properly affixed by a wholesaler or another retailer, licensed under Washington state law, may be retained by any retailer, and that those articles intended for sale to qualified purchasers may, under rules adopted by the department of revenue, be retained by federal instrumentalities and Indian tribal organizations, without affixing the stamps required by this chapter))~~ shall purchase cigarettes with the stamps affixed.

Sec. 9. RCW 82.24.070 and 1987 c 496 s 5 are each amended to read as follows:

Wholesalers ~~((and retailers))~~ subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps herein required a sum computed at the rate of four dollars per one thousand stamps purchased or affixed by them.

Sec. 10. RCW 82.24.090 and 1975 1st ex.s. c 278 s 62 are each amended to read as follows:

Every wholesaler or retailer subject to the provisions of this chapter shall keep and preserve for a period of five years an accurate set of records, showing all transactions had with reference to the purchase and sale of any of the articles taxed herein and such

persons shall also keep separately all invoices, and shall keep a record of all stamps purchased, and all such records and all stock of taxable articles on hand shall be open to inspection at all reasonable times by the ~~((department of revenue))~~ board or its duly authorized agent.

All wholesalers shall within fifteen days after the first day of each month file with the ~~((department of revenue))~~ board a report of all drop shipment sales made by them to retailers within this state during the preceding month, which report shall show the name and address of the retailer to whom the cigarettes were sold, the kind and quantity, and the date of delivery thereof.

Sec. 11. RCW 82.24.110 and 1990 c 216 s 4 are each amended to read as follows:

(1) Each of the following acts is a gross misdemeanor and punishable as such:

(a) To sell, except as a licensed wholesaler or licensed retailer engaged in interstate commerce as to the article being taxed herein, without the stamp first being affixed;

(b) To use or have in possession knowingly or intentionally any forged or counterfeit stamps;

(c) For any person other than the ~~((department of revenue))~~ board or its duly authorized agent to sell any stamps not affixed to any of the articles taxed herein whether such stamps are genuine or counterfeit;

(d) To violate any of the provisions of this chapter;

(e) To violate any lawful rule ~~((or regulation))~~ made and published by the ~~((department of revenue))~~ board;

(f) To use any stamps more than once;

(g) To refuse to allow the ~~((department of revenue))~~ board or any duly authorized agent thereof, on demand, to make full inspection of any place of business where any of the articles herein taxed are sold or otherwise hinder or prevent such inspection;

(h) For any retailer ~~((except one permitted to maintain an unstamped stock to engage in interstate business as provided herein,))~~ to have in possession in any place of business any of the articles herein taxed, unless the same have the proper stamps attached;

(i) For any person to make, use, or present or exhibit to the ~~((department of revenue))~~ board or any duly authorized agent thereof, any invoice for any of the articles herein taxed which bears an untrue date or falsely states the nature or quantity of the goods therein invoiced;

(j) For any wholesaler or retailer or ~~((his or her))~~ its agents or employees to fail to produce on demand of the ~~((department of revenue))~~ board all invoices of all the articles herein taxed or stamps bought ~~((by him or her))~~ or received in ~~((his or her))~~ its place of business within five years prior to such demand unless ~~((he or she))~~ the wholesaler or retailer can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond ~~((his))~~ its control;

(k) For any person to receive in this state any shipment of any of the articles taxed herein, when the same are not stamped, are untaxed, or are untaxed and stamped for the purpose of avoiding payment of tax. It is presumed that persons other than dealers who purchase or receive shipments of unstamped, untaxed, or untaxed stamped cigarettes do so to avoid payment of the tax imposed herein;

(l) For any person to possess or transport upon the public highways, roads, or streets of this state a quantity of sixty thousand cigarettes or less ~~((unless the proper stamps required by this chapter have been affixed))~~ that are unstamped, untaxed, or untaxed stamped cigarettes or unless the person transporting the cigarettes has in actual possession invoices or delivery tickets therefor which show the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes so transported and unless the cigarettes are consigned to or purchased by any person in this state who is a purchaser or consignee authorized by this chapter to possess unstamped, untaxed, or untaxed stamped cigarettes in this state.

(2) It is unlawful for any person knowingly or intentionally to possess or to transport upon the public highways, roads, or streets of this state a quantity in excess of sixty thousand cigarettes ~~((unless the proper stamps required by this chapter are affixed thereto or))~~ that are unstamped, untaxed, or untaxed stamped cigarettes unless the person transporting the cigarettes actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes so transported. Violation of this section shall be punished as a class C felony under Title 9A RCW.

(3) All agents, employees, and others who aid, abet, or otherwise participate in any way in the violation of the provisions of this chapter or in any of the offenses described in this chapter shall be guilty and punishable as principals, to the same extent as any wholesaler or retailer or any other person violating the provisions thereof.

Sec. 12. RCW 82.24.120 and 1990 c 267 s 1 are each amended to read as follows:

If any person, subject to the provisions of this chapter or any rules ~~((and regulations))~~ promulgated by the ~~((department of revenue))~~ board under authority hereof, is found to have failed to affix the stamps required, or to have them affixed as herein provided, or to pay any tax due hereunder, or to have violated any of the provisions of this chapter or rules ~~((and regulations))~~ promulgated by the ~~((department of revenue))~~ board in the administration hereof, there shall be assessed and collected from such person, in addition to any tax that may be found due, a penalty equal to the greater of ten dollars per package of unstamped cigarettes or two hundred fifty dollars, plus interest thereon at the rate of one percent for each thirty days or portions thereof from the date the tax became due, and upon notice mailed to the last known address of the person said amount shall become due and payable in ten days, at which time the ~~((department))~~ board or its duly authorized agent may make immediate demand upon such person for the payment of all such taxes and penalties. The ~~((department))~~ board, for good reason shown, may remit all or any part of penalties imposed, but the taxpayer must pay all taxes due and interest thereon, at the rate of one percent for each thirty days or portion thereof. The keeping of any unstamped, untaxed, or untaxed stamped articles coming within the provisions of this chapter shall be prima facie evidence of intent to violate the provisions of this chapter.

Sec. 13. RCW 82.24.130 and 1990 c 216 s 5 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture:

(a) Subject to RCW 82.24.250, any articles taxed in this chapter that are found at any point within this state, which articles are held, owned, or possessed by any person, and that ~~((do not have the stamps affixed to the packages or containers))~~ are unstamped, untaxed, or untaxed and stamped.

(b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) of this subsection, except:

(i) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner thereof establishes to have been committed or omitted without his or her knowledge or consent;

(iii) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission.

(c) Any vending machine used for the purpose of violating the provisions of this chapter.

(2) Property subject to forfeiture under this chapter may be seized by any agent of the ((department)) board authorized to collect taxes or law enforcement officer of this state upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant; or

(b) The ((department)) board or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

(3) Notwithstanding the foregoing provisions of this section, articles taxed in this chapter which are in the possession of a wholesaler ((or-retailer)), licensed under Washington state law, for a period of time necessary to affix the stamps after receipt of the articles, shall not be considered contraband.

Sec. 14. RCW 82.24.135 and 1987 c 496 s 3 are each amended to read as follows:

In all cases of seizure of any property made subject to forfeiture under this chapter the ((department)) board shall proceed as follows:

(1) Forfeiture shall be deemed to have commenced by the seizure. Notice of seizure shall be given to the ((department)) board immediately if the seizure is made by someone other than an agent of the ((department)) board authorized to collect taxes.

(2) Upon notification or seizure by the ((department)) board or upon receipt of property subject to forfeiture under this chapter from any other person, the ((department)) board shall list and particularly describe the property seized in duplicate and have the property appraised by a qualified person not employed by the ((department)) board or acting as its agent. Listing and appraisal of the property shall be properly attested by the ((department)) board and the appraiser, who shall be allowed a reasonable appraisal fee. No appraisal is required if the property seized is judged by the ((department)) board to be less than one hundred dollars in value.

(3) The ((department)) board shall cause notice to be served within five days following the seizure or notification to the ((department)) board of the seizure on the owner of the property seized, if known, on the person in charge thereof, and on any other person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by mail. If service is by mail it shall be by both certified mail with return receipt requested and regular mail. Service by mail shall be deemed complete upon mailing within the five-day period following the seizure or notification of the seizure to the ((department)) board.

(4) If no person notifies the ((department)) board in writing of the person's claim of ownership or right to possession of the items seized within fifteen days of the date of the notice of seizure, the item seized shall be considered forfeited.

(5) If any person notifies the ((department)) board, in writing, of the person's claim of ownership or right to possession of the items seized within fifteen days of the date of the notice of seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the ((director)) board or the ((director's)) board's designee, except that any person asserting a claim or right may bring an action for return of the seized items in the superior court of the county in which such property was seized, if the aggregate value of the article or articles involved is more than five hundred dollars. A hearing before the seizing agency and any appeal therefrom shall be in accordance with chapter 34.05 RCW. The burden of proof by a preponderance of the evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the items seized. The ((department)) board shall promptly return the article or articles to the claimant upon a determination that the claimant is the present lawful owner or is lawfully entitled to possession thereof of the items seized.

Sec. 15. RCW 82.24.145 and 1987 c 496 s 4 are each amended to read as follows:

When property is forfeited under this chapter the ~~((department))~~ board may:

(1) Retain the property or any part thereof for official use or upon application by any law enforcement agency of this state, another state, or the District of Columbia, or of the United States for the exclusive use of enforcing the provisions of this chapter or the laws of any other state or the District of Columbia or of the United States.

(2) Sell the property at public auction to the highest bidder after due advertisement, but the ~~((department))~~ board before delivering any of the goods so seized shall require the person to whom the property is sold to affix the proper amount of stamps. The proceeds of the sale and all moneys forfeited under this chapter shall be first applied to the payment of all proper expenses of any investigation leading to the seizure and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs. The balance of the proceeds and all moneys shall be deposited in the general fund of the state. Proper expenses of investigation includes costs incurred by any law enforcement agency or any federal, state, or local agency.

Sec. 16. RCW 82.24.180 and 1990 c 267 s 2 are each amended to read as follows:

The ~~((department of revenue))~~ board may return any property seized under the provisions of this chapter when it is shown that there was no intention to violate the provisions thereof.

When any property is returned under this section, the ~~((department))~~ board may return such goods to the parties from whom they were seized if and when such parties affix the proper amount of stamps thereto, and pay to the ~~((department))~~ board as penalty an amount equal to the greater of ten dollars per package of unstamped cigarettes or two hundred fifty dollars, and interest thereon at the rate of one percent for each thirty days or portion thereof from the date the tax became due, and in such cases, no advertisement shall be made or notices posted in connection with said seizure.

Sec. 17. RCW 82.24.190 and 1987 c 202 s 244 are each amended to read as follows:

When the ~~((department of revenue))~~ board has good reason to believe that any of the articles taxed herein are being kept, sold, offered for sale, or given away in violation of the provisions of this chapter or ~~((regulations))~~ rules issued under authority hereof, it may make affidavit of such fact, describing the place or thing to be searched, before any judge of any court in this state, and such judge shall issue a search warrant directed to the sheriff, any deputy, police officer, or duly authorized agent of the ~~((department of revenue))~~ board commanding him or her diligently to search any building, room in a building, place, or vehicle as may be designated in the affidavit and search warrant, and to seize such tobacco so possessed and to hold the same until disposed of by law, and to arrest the person in possession or control thereof. If upon the return of such warrant, it shall appear that any of the articles taxed herein, unlawfully possessed, were seized, the same shall be sold as provided in this chapter.

Sec. 18. RCW 82.24.210 and 1975 1st ex.s. c 278 s 68 are each amended to read as follows:

The ~~((department of revenue))~~ board may promulgate rules ~~((and regulations))~~ providing for the refund to dealers for the cost of stamps affixed to articles taxed herein, which by reason of damage become unfit for sale and are destroyed by the dealer or returned to the manufacturer or jobber. In the case of any articles to which stamps have been affixed, and which articles have been sold and shipped to a regular dealer in such articles in another state, the seller in this state shall be entitled to a refund of the actual amount of the stamps so affixed, less the affixing discount, upon condition that the seller in this state makes affidavit that the articles were sold and shipped outside of the state and that ~~((he))~~ the seller has received from the purchaser outside the state a written acknowledgment that ~~((he))~~ the purchaser has received such articles with the amount of stamps affixed thereto, together with the name and address of such purchaser. The

~~((department of revenue))~~ board may redeem any unused stamps purchased from it at the face value thereof less the affixing discount.

Sec. 19. RCW 82.24.230 and 1961 c 15 s 82.24.230 are each amended to read as follows:

All of the provisions contained in chapter 82.32 RCW except RCW 82.32.050, 82.32.060, 82.32.070, 82.32.100, and 82.32.270 shall have full force and application with respect to taxes imposed under the provisions of this chapter ~~((, except the following sections thereof: RCW 82.32.050, 82.32.060, 82.32.070, 82.32.100 and 82.32.270))~~; except that "department of revenue" or "department" means the liquor control board.

Sec. 20. RCW 82.24.250 and 1990 c 216 s 6 are each amended to read as follows:

No person other than (1) a licensed wholesaler in its own vehicle, or (2) a person who has given notice to the ~~((department))~~ board in advance of the commencement of transportation shall transport or cause to be transported unstamped, untaxed, or untaxed stamped cigarettes ~~((not having the stamps affixed to the packages or containers))~~, upon the public highways, roads, or streets of this state. In the case of transportation of unstamped cigarettes such persons shall have in their actual possession invoices or delivery tickets for such cigarettes, which shall show the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes so transported. If the cigarettes are consigned to or purchased by any person in this state such purchaser or consignee must be a person who is authorized by chapter 82.24 RCW to possess unstamped, untaxed, or untaxed stamped cigarettes in this state. In the absence of such invoices or delivery tickets, or, if the name or address of the consignee or purchaser is falsified or if the purchaser or consignee is not authorized by chapter 82.24 RCW to possess unstamped, untaxed, or untaxed stamped cigarettes, the cigarettes so transported shall be deemed contraband subject to seizure and sale under the provisions of RCW 82.24.130.

Transportation of cigarettes from a point outside this state to a point in some other state will not be considered a violation of this section provided that the person so transporting such cigarettes has in his or her possession adequate invoices or delivery tickets which give the true name and address of such out-of-state seller or consignor and such out-of-state purchaser or consignee.

In any case where the ~~((department))~~ board or its duly authorized agent, or any peace officer of the state, has knowledge or reasonable grounds to believe that any vehicle is transporting cigarettes in violation of this section, the ~~((department))~~ board, such agent, or such police officer, is authorized to stop such vehicle and to inspect the same for contraband cigarettes.

For purposes of this section, the term "person authorized by chapter 82.24 RCW to possess unstamped, untaxed, or untaxed stamped cigarettes" shall mean a wholesaler or retailer, licensed under Washington state law, the United States or an agency thereof, and any Indian tribal organization authorized under rules adopted by the ~~((department of revenue))~~ board to possess ~~((unstamped cigarettes))~~ these articles.

Sec. 21. RCW 82.24.510 and 1986 c 321 s 5 are each amended to read as follows:

(1) The licenses issuable under this chapter are as follows:

- (a) A wholesaler's license.
- (b) A retailer's license.
- (c) A vending machine license.

(2) Application for the licenses shall be made through the master license system under chapter 19.02 RCW. The ~~((department of revenue))~~ board shall adopt rules regarding the regulation of the licenses. The ~~((department of revenue))~~ board may refrain from the issuance of any license under this chapter if the ~~((department))~~ board has reasonable cause to believe that the applicant has willfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the ~~((department))~~ board has reasonable cause to believe that information submitted in the

application is false or misleading or is not made in good faith. Each such license shall expire on the master license expiration date, and each such license shall be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the ~~((department of revenue))~~ board made pursuant thereto.

Sec. 22. RCW 82.24.520 and 1986 c 321 s 6 are each amended to read as follows:

A fee of six hundred fifty dollars shall accompany each wholesaler's license application or license renewal application. If a wholesaler sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license with a license fee of one hundred fifteen dollars shall be required for each additional place of business. Each license, or certificate thereof, and such other evidence of license as the ~~((department of revenue))~~ board requires, shall be exhibited in the place of business for which it is issued and in such manner as is prescribed for the display of a master license. The ~~((department of revenue))~~ board shall require each licensed wholesaler to file with the ~~((department of revenue))~~ board a bond in an amount not less than ~~((one))~~ five thousand dollars to guarantee the proper performance of the duties and the discharge of the liabilities under this chapter. The bond shall be executed by such licensed wholesaler as principal, and by a corporation approved by the ~~((department of revenue))~~ board and authorized to engage in business as a surety company in this state, as surety. The bond shall run concurrently with the wholesaler's license.

Sec. 23. RCW 82.24.550 and 1986 c 321 s 9 are each amended to read as follows:

(1) The ~~((department of revenue))~~ board shall enforce the provisions of this chapter. The ~~((department of revenue))~~ board may adopt, amend, and repeal rules necessary to enforce and administer the provisions of this chapter. The ~~((department of revenue))~~ board has full power and authority to revoke or suspend the license or permit of any wholesale or retail cigarette dealer in the state upon sufficient cause appearing of the violation of this chapter or upon the failure of such licensee to comply with any of the provisions of this chapter.

(2) A license shall not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the ~~((department of revenue))~~ board. The ~~((department of revenue))~~ board, upon a finding by same, that the licensee has failed to comply with any provision of this chapter or any rule promulgated thereunder, shall, in the case of the first offender, suspend the license or licenses of the licensee for a period of not less than thirty consecutive business days, and, in the case of a second or plural offender, shall suspend the license or licenses for a period of not less than ninety consecutive business days nor more than twelve months, and, in the event the ~~((department of revenue))~~ board finds the offender has been guilty of willful and persistent violations, it may revoke the license or licenses.

(3) Any person whose license or licenses have been so revoked may apply to the ~~((department of revenue))~~ board at the expiration of one year for a reinstatement of the license or licenses. The license or licenses may be reinstated by the ~~((department of revenue))~~ board if it appears to the satisfaction of the ~~((department of revenue))~~ board that the licensee will comply with the provisions of this chapter and the rules promulgated thereunder.

(4) A person whose license has been suspended or revoked shall not sell cigarettes or permit cigarettes to be sold during the period of such suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form whatever.

(5) Any determination and order by the ~~((department of revenue))~~ board, and any order of suspension or revocation by the ~~((department of revenue))~~ board of the license or licenses, or refusal to reinstate a license or licenses after revocation shall be reviewable by an appeal to the superior court of Thurston county. The superior court shall review the order or ruling of the ~~((department of revenue))~~ board and may hear the matter de

novo, having due regard to the provisions of this chapter and the duties imposed upon the ~~((department of revenue))~~ board.

Sec. 24. RCW 82.24.560 and 1986 c 321 s 10 are each amended to read as follows:

All fees and penalties received or collected by the ~~((department of revenue))~~ board pursuant to this chapter shall be paid to the state treasurer, to be credited to the general fund.

NEW SECTION. Sec. 25. A new section is added to chapter 82.24 RCW to read as follows:

The board may adopt rules to implement this chapter.

Sec. 26. RCW 82.26.010 and 1975 1st ex.s. c 278 s 70 are each amended to read as follows:

As used in this chapter:

(1) "Tobacco products" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, but shall not include cigarettes as defined in RCW 82.24.010(((4)));

(2) "Manufacturer" means a person who manufactures and sells tobacco products;

(3) "Distributor" means (a) any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale, (b) any person who makes, manufactures, or fabricates tobacco products in this state for sale in this state, (c) any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state, to be sold by those retailers;

(4) "Subjobber" means any person, other than a manufacturer or distributor, who buys tobacco products from a distributor and sells them to persons other than the ultimate consumers;

(5) "Retailer" means any person engaged in the business of selling tobacco products to ultimate consumers;

(6) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person. It includes a gift by a person engaged in the business of selling tobacco products, for advertising, as a means of evading the provisions of this chapter, or for any other purposes whatsoever.

(7) "Wholesale sales price" means the established price for which a manufacturer sells a tobacco product to a distributor, exclusive of any discount or other reduction;

(8) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state;

(9) "Place of business" means any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale or consumption, including any vessel, vehicle, airplane, train, or vending machine;

(10) "Retail outlet" means each place of business from which tobacco products are sold to consumers;

(11) ~~((("Department" means the state department of revenue))~~ "Board" means the liquor control board.

Sec. 27. RCW 82.26.050 and 1975 1st ex.s. c 278 s 72 are each amended to read as follows:

~~((From and after July 1, 1959))~~ No person shall engage in the business of a distributor or subjobber of tobacco products at any place of business without first having received from the ~~((department of revenue))~~ board a certificate of registration ~~((as provided in RCW 82.32.030)).~~

Sec. 28. RCW 82.26.060 and 1975 1st ex.s. c 278 s 73 are each amended to read as follows:

Every distributor shall keep at each registered place of business complete and accurate records for that place of business, including itemized invoices, of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the state, or shipped or transported to retailers in this state, and of all sales of tobacco products made, except sales to the ultimate consumer.

These records shall show the names and addresses of purchasers(~~(, the inventory of all tobacco products on hand on July 1, 1959,))~~ and other pertinent papers and documents relating to the purchase, sale, or disposition of tobacco products.

When a registered distributor sells tobacco products exclusively to the ultimate consumer at the address given in the certificate, no invoice of those sales shall be required, but itemized invoices shall be made of all tobacco products transferred to other retail outlets owned or controlled by that registered distributor. All books, records, and other papers and documents required by this section to be kept shall be preserved for a period of at least five years after the date of the documents, as aforesaid, or the date of the entries thereof appearing in the records, unless the ~~((department of revenue))~~ board, in writing, authorizes their destruction or disposal at an earlier date. At any time during usual business hours the ~~((department))~~ board, or its duly authorized agents or employees, may enter any place of business of a distributor, without a search warrant, and inspect the premises, the records required to be kept under this chapter, and the tobacco products contained therein, to determine whether or not all the provisions of this chapter are being fully complied with. If the ~~((department))~~ board, or any of its agents or employees, are denied free access or are hindered or interfered with in making such examination, the registration certificate of the distributor at such premises shall be subject to revocation by the ~~((department))~~ board.

Sec. 29. RCW 82.26.080 and 1975 1st ex.s. c 278 s 74 are each amended to read as follows:

Every retailer and subjobber shall procure itemized invoices of all tobacco products purchased. The invoices shall show the name and address of the seller and the date of purchase. The retailer and subjobber shall preserve a legible copy of each such invoice for five years from the date of purchase. Invoices shall be available for inspection by the ~~((department of revenue))~~ board or its authorized agents or employees at the retailer's or subjobber's place of business.

Sec. 30. RCW 82.26.090 and 1975 1st ex.s. c 278 s 75 are each amended to read as follows:

Records of all deliveries or shipments of tobacco products from any public warehouse of first destination in this state shall be kept by the warehouse and be available to the ~~((department of revenue))~~ board for inspection. They shall show the name and address of the consignee, the date, the quantity of tobacco products delivered, and such other information as the ~~((department))~~ board may require. These records shall be preserved for five years from the date of delivery of the tobacco products.

Sec. 31. RCW 82.26.110 and 1975 1st ex.s. c 278 s 76 are each amended to read as follows:

Where tobacco products upon which the tax imposed by this chapter has been reported and paid, are shipped or transported by the distributor to retailers without the state, to be sold by those retailers, or are returned to the manufacturer by the distributor or destroyed by the distributor, credit of such tax may be made to the distributor in accordance with ~~((regulations))~~ rules prescribed by the ~~((department of revenue))~~ board.

Sec. 32. RCW 82.26.120 and 1963 ex.s. c 28 s 5 are each amended to read as follows:

All of the provisions contained in chapter 82.32 RCW shall have full force and application with respect to taxes imposed under the provisions of this chapter; except that "department of revenue" or "department" means the liquor control board.

NEW SECTION. Sec. 33. A new section is added to chapter 82.26 RCW to read as follows:

The board may adopt rules to implement this chapter.

NEW SECTION. Sec. 34. A new section is added to chapter 82.32 RCW to read as follows:

The liquor control board may contract with the department for the collection of taxes, penalties, and interest, and the making of refunds, related to the administration and enforcement of chapters 82.24 and 82.26 RCW.

NEW SECTION. Sec. 35. All powers, duties, and functions of the department of revenue pertaining to chapters 82.24 and 82.26 RCW are transferred to the liquor control board. All references to the director or department of revenue in the Revised Code of Washington shall be construed to mean the liquor control board when referring to the functions transferred in this section.

NEW SECTION. Sec. 36. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of revenue pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the liquor control board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of revenue in carrying out the powers, functions, and duties transferred shall be made available to the liquor control board. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the liquor control board.

Any appropriations made to the department of revenue for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the liquor control board.

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

NEW SECTION. Sec. 37. All employees of the department of revenue engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the liquor control board. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the liquor control board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 38. All rules and all pending business before the department of revenue pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the liquor control board. All existing contracts and obligations shall remain in full force and shall be performed by the liquor control board.

NEW SECTION. Sec. 39. The transfer of the powers, duties, functions, and personnel of the department of revenue shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 40. If apportionments of budgeted funds are required because of the transfers directed by sections 35 through 38 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 41. Nothing contained in sections 35 through 40 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 42. RCW 82.24.260 and 1987 c 80 s 3 & 1986 c 3 s 13 are each repealed.

NEW SECTION. Sec. 43. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 44. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On page 1, line 1 of the title, after "statutes;" strike the remainder of the title and insert "amending RCW 66.28.090, 66.44.010, 66.44.370, 82.24.010, 82.24.027, 82.24.030, 82.24.040, 82.24.050, 82.24.070, 82.24.090, 82.24.110, 82.24.120, 82.24.130, 82.24.135, 82.24.145, 82.24.180, 82.24.190, 82.24.210, 82.24.230, 82.24.250, 82.24.510, 82.24.520, 82.24.550, 82.24.560, 82.26.010, 82.26.050, 82.26.060, 82.26.080, 82.26.090, 82.26.110, and 82.26.120; adding a new section to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 82.24.260; providing an effective date; and declaring an emergency."

Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; R. King; O'Brien; and Vance.

MINORITY recommendation: Do not pass. Signed by Representatives Franklin; Jones; Prentice; and Wilson.

Excused: Representative Lisk, Assistant Ranking Minority Member.

Referred to Committee on Revenue.

April 5, 1991

ESB 5566 Prime Sponsor, Senator Rasmussen: Allowing certain provisions in construction contracts. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Broback, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Anderson; Inslee; R. Johnson; Paris; Schmidt; and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative R. Meyers.

Excused: Representatives Dorn and Scott.

Passed to Committee on Rules for second reading.

April 3, 1991

2SSB 5568 Prime Sponsor, Committee on Ways & Means: Addressing hunger and nutritional problems. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; and H. Myers.

Excused: Representative R. King.

Referred to Committee on Appropriations.

April 3, 1991

SSB 5580 Prime Sponsor, Committee on Ways & Means: Establishing community-based child care resource and referral agencies. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendment: On page 3, line 27, after "At least" strike "fifty" and insert "twenty-five"

Signed by Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; and H. Myers.

Excused: Representative R. King.

Referred to Committee on Appropriations.

April 4, 1991

SSB 5581 Prime Sponsor, Committee on Ways & Means: Creating the community partnership program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that nonprofit community-based organizations, that rely on both private and public resources, are invaluable providers of services to our state's communities. State agencies increasingly turn to community-based organizations for the delivery of services to meet social, health, training, and community development needs in our communities. Private support flows to community-based organizations because they are very close to their constituencies and have the capacity to act quickly in response to emergency needs. Many community organizations, however, need technical assistance to expand the vision of their boards, to improve the expertise of their staff, and to widen their resource base. Therefore, it is the purpose of this act to authorize and fund the community partnership program to provide technical assistance and managerial support to community-based organizations in the state.

NEW SECTION. Sec. 2. There is established within the department of community development the community partnership program. The program is designed to provide technical assistance and managerial support to community-based organizations in the state. An exempt position under RCW 41.06.072 is hereby created within the department of community development for the managing director of the community partnership program. In carrying out the purposes of this chapter, the managing director shall solicit volunteer assistance; work with other agencies which rely on community-based nonprofits for service delivery; work with private sector organizations interested in working with community-based organizations in the delivery of services; contract with private consultants, with the approval of the director of the department, for such services as the managing director deems advisable; and solicit resources from federal and private sources.

NEW SECTION. Sec. 3. The community partnership program shall:

(1) Act as a clearinghouse for community-based organizations, providing information and referral services to these organizations through such methods as a computerized network that allows organizations to access the program's information base.

(2) Provide management training courses designed specifically for nonprofit managers, staff, and boards. These include both individualized training for single nonprofit organizations, and skill-building workshops and seminars on planning, budgeting, marketing, and other topics.

(3) Provide short-term direct assistance customized to meet the management needs of individual organizations.

(4) Assist organizations in soliciting and managing volunteers.

(5) Coordinate activities with the state volunteer center, other state agencies, local service providers, and other volunteer organizations giving similar assistance.

NEW SECTION. Sec. 4. The managing director of the program may charge a fee for the services offered by the program. The fees may be based on a sliding scale but in no case shall the fees exceed the actual cost of providing these services.

NEW SECTION. Sec. 5. (1) The community partnership program may receive such gifts, grants, and endowments from any source as may be made from time to time for the activities of the program and may expend the same according to the terms of the gifts, grants, or endowments.

(2) An account known as the community partnership program account is created and all gifts, grants, endowments, and fees received for the purposes of the community partnership program shall be deposited into the account. The state treasurer is the custodian of the account. Disbursements from the account shall be on the authorization of the managing director of the program or the director's designee. Moneys from the account shall be used for carrying out the purposes of the community partnership program and all other activities deemed appropriate by the advisory committee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 6. A community partnership advisory committee is established. The governor shall appoint the committee which shall include representation of nonprofit organizations, the private sector, community action agencies, and local government agencies.

Members shall serve on the committee for a term of four years, or at the pleasure of the governor.

Sec. 7. RCW 41.06.072 and 1986 c 266 s 8 are each amended to read as follows:

In addition to the exemptions set forth in this chapter, this chapter shall not apply within the department of community development to the state historic preservation officer ~~((and))~~ up to two professional staff members within the emergency management program, and to the director of the community partnership program.

NEW SECTION. Sec. 8. Sections 2 through 6 of this act are each added to chapter 43.63A RCW.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "amending RCW 41.06.072; adding new sections to chapter 43.63A RCW; and creating new sections."

Signed by Representatives Cantwell, Chair; Sheldon, Vice Chair; Forner, Ranking Minority Member; Betrozoff, Assistant Ranking Minority Member; Ferguson; Kremen; Ludwig; Moyer; Rasmussen; Riley; and Roland.

Excused: Representatives Ferguson and Ludwig.

Referred to Committee on Appropriations.

April 4, 1991

SB 5585 Prime Sponsor, Senator West: Establishing a license to sell liquor in motels. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Fuhrman, Ranking Minority Member; R. King; O'Brien; Prentice; Vance; and Wilson.

MINORITY recommendation: Without recommendation. Signed by Representatives Cole, Vice Chair; Franklin; and Jones.

Excused: Representative Lisk, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

April 2, 1991

SB 5586 Prime Sponsor, Senator McCaslin: Making technical corrections to provisions for the state militia. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

Passed to Committee on Rules for second reading.

April 5, 1991

ESSB 5590 Prime Sponsor, Committee on Financial Institutions & Insurance: Affecting administration of the state investment board. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after line 4, strike everything after the enacting clause and insert:

NEW SECTION. Sec. 1. (1) The legislature recognizes that the state investment board is, at its own initiation, undergoing an extensive review of its organization and operation. The legislature is pleased that the scope of this review is to include an analysis of the functions, responsibilities, and salaries of board members and staff; the composition of the board and its staff; the relationship between the board, its staff, consultants, investment organizations, and other state agencies; and other issues relevant to the organizational structure and operation of the board.

(2) The legislature also acknowledges that the state investment board is undertaking a review of its entire investment strategy and will be recruiting a new executive director, incorporating the findings from the review described in subsection (1) into the recruitment process.

(3) Given the extensive review and evaluation underway concerning the board's organization, directorship, and overall investment strategy, the legislature finds that it would be imprudent at this time to make changes in the statutes governing the state investment board. Therefore, the legislature directs the state investment board to report the findings and conclusions of this extensive review to the joint committee on pension policy. The investment board shall issue this report to the joint committee no later than January 1, 1992. The joint committee on pension policy shall consider the report and make any recommendations to the legislature that it deems necessary as directed by RCW 44.44.060.

On page 1, line 2 of the title, after "board;" strike all material through "43.33A.150" on line 3 and insert "and creating a new section"

Signed by Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

Excused: Representative Bowman, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

April 2, 1991

2SSB 5591 Prime Sponsor, Committee on Ways & Means: Adopting comprehensive recycling programs. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

PART I
PACKAGING

Sec. 101. RCW 70.93.020 and 1979 c 94 s 2 are each amended to read as follows:

The purpose of this chapter is to accomplish litter control and stimulate private recycling programs throughout this state by delegating to the department of ecology the authority to:

(1) Conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible;

(2) Recover and recycle waste materials related to litter and littering;

(3) Foster private recycling and markets for recyclable materials; and

(4) Increase public awareness of the need for recycling and litter control. It is further the intent and purpose of this chapter to create jobs for employment of youth in litter cleanup and related activities and to stimulate and encourage small, private recycling centers. This program shall include the compatible goal of recovery of recyclable materials to conserve energy and natural resources wherever practicable. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this chapter. The intent of this chapter is to add to and to coordinate existing recycling and litter control and removal efforts and not terminate or supplant such efforts.

Sec. 102. RCW 70.93.030 and 1979 c 94 s 3 are each amended to read as follows:

As used in this chapter unless the context indicates otherwise:

(1) "Department" means the department of ecology;

(2) "Director" means the director of the department of ecology;

(3) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the department of ecology;

(4) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;

(5) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity;

(6) "Litter receptacle" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter;

(7) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever;

(8) "Recycling" means ~~((the process of separating, cleansing, treating, and reconstituting used or discarded litter related materials for the purpose of recovering and reusing the resources contained therein))~~ transforming or remanufacturing waste materials into a finished product for use other than landfill disposal or incineration;

(9) "Recycling center" means a central collection point for recyclable materials;

(10) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks;

(11) "Watercraft" means any boat, ship, vessel, barge, or other floating craft;

(12) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

NEW SECTION. Sec. 103. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Container," unless otherwise specified, refers to "rigid plastic container" or "plastic bottle" as those terms are defined in this section.

(2) "Distributors" means those persons engaged in the distribution of packaged goods for sale in the state of Washington, including manufacturers, wholesalers, and retailers.

(3) "Label" means a molded, imprinted, or raised symbol on or near the bottom of a plastic container or bottle.

(4) "Person" means an individual, sole proprietor, partnership, association, or other legal entity.

(5) "Plastic" means a material made of polymeric organic compounds and additives that can be shaped by flow.

(6) "Plastic bottle" means a plastic container intended for single use that has a neck that is smaller than the body of the container, accepts a screw-type, snap cap, or other closure and has a capacity of sixteen fluid ounces or more, but less than five gallons.

(7) "Rigid plastic container" means a formed or molded container, other than a bottle, intended for single use, composed predominantly of plastic resin, and having a relatively inflexible finite shape or form with a capacity of eight ounces or more but less than five gallons.

NEW SECTION. Sec. 104. (1) The provisions of this section and any rules adopted under this section shall be interpreted to conform with nation-wide plastics industry standards.

(2) Except as provided in section 105(2) of this act, after January 1, 1992, no person may distribute, sell, or offer for sale in this state a plastic bottle or rigid plastic container unless the container is labeled with a code identifying the appropriate resin type used to produce the structure of the container. The code shall consist of a number placed within three triangulated arrows and letters placed below the triangle of arrows. The triangulated arrows shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer (arrowhead) of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number. The numbers and letters used shall be as follows:

- (a) 1. = PETE (polyethylene terephthalate)
- (b) 2. = HDPE (high density polyethylene)
- (c) 3. = V (vinyl)
- (d) 4. = LDPE (low density polyethylene)
- (e) 5. = PP (polypropylene)
- (f) 6. = PS (polystyrene)
- (g) 7. = OTHER

NEW SECTION. Sec. 105. (1) A person who, after written notice from the department, violates section 104 of this act is subject to a civil penalty of fifty dollars for each violation up to a maximum of five hundred dollars and may be enjoined from continuing violations. Each distribution constitutes a separate offense.

(2) Distributors shall have two years from the effective date of this section to clear current inventory, delivered or received and held in their possession as of the effective date of this section.

NEW SECTION. Sec. 106. The legislature finds and declares that:

(1) The management of solid waste can pose a wide range of hazards to public health and safety and to the environment;

(2) Packaging comprises a significant percentage of the overall solid waste stream;

(3) The presence of heavy metals in packaging is a part of the total concern in light of their likely presence in emissions or ash when packaging is incinerated, or in leachate when packaging is landfilled;

(4) Lead, mercury, cadmium, and hexavalent chromium, on the basis of available scientific and medical evidence, are of particular concern;

(5) The intent of this chapter is to achieve a reduction in toxicity without impeding or discouraging the expanded use of postconsumer materials in the production of packaging and its components.

NEW SECTION. Sec. 107. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Package" means a container providing a means of marketing, protecting, or handling a product and shall include a unit package, an intermediate package, and a

shipping container. "Package" also means and includes unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

(2) "Manufacturer" means a person, firm, or corporation that applies a package to a product for distribution or sale.

(3) "Packaging component" means an individual assembled part of a package such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

NEW SECTION. Sec. 108. The sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in any product, package, or packaging component shall not exceed the following:

(1) 600 parts per million by weight effective July 1, 1993;

(2) 250 parts per million by weight effective July 1, 1994; and

(3) 100 parts per million by weight effective July 1, 1995 after the effective date of this section.

This section shall apply only to lead, cadmium, mercury, and hexavalent chromium that has been intentionally introduced as an element during manufacturing or distribution.

NEW SECTION. Sec. 109. All packages and packaging components shall be subject to this chapter except the following:

(1) Those packages or package components with a code indicating date of manufacture that were manufactured prior to the effective date of this section;

(2) Those packages or packaging components that have been purchased by, delivered to, or are possessed by a retailer on or before twenty-four months following the effective date of this section to permit opportunity to clear existing inventory of the proscribed packaging material;

(3) Those packages or packaging components to which lead, cadmium, mercury, or hexavalent chromium have been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of federal law or for which there is no feasible alternative; or

(4) Those packages and packaging components that would not exceed the maximum contaminant levels set forth in section 108(1) of this act but for the addition of postconsumer materials; and provided that the exemption for this subsection shall expire six years after the effective date of this section.

NEW SECTION. Sec. 110. By July 1, 1993, a certificate of compliance stating that a package or packaging component is in compliance with the requirements of this chapter shall be developed by its manufacturer. If compliance is achieved under the exemption or exemptions provided in section 109 (3) or (4) of this act, the certificate shall state the specific basis upon which the exemption is claimed. The certificate of compliance shall be signed by an authorized official of the manufacturing company. The certificate of compliance shall be kept on file by the manufacturer for as long as the package or packaging component is in use, and for three years from the date of the last sale or distribution by the manufacturer. Certificates of compliance, or copies thereof, shall be furnished to the department of ecology upon request within sixty days. If manufacturers are required under any other state statute to provide a certificate of compliance, one certificate may be developed containing all required information.

If the manufacturer or supplier of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer shall develop an amended or new certificate of compliance for the reformulated or new package or packaging component.

NEW SECTION. Sec. 111. Requests from a member of the public for any certificate of compliance shall be:

(1) Made in writing to the department of ecology;

(2) Made specific as to package or packaging component information requested; and

(3) Responded to by the department of ecology within ninety days.

NEW SECTION. Sec. 112. The department of ecology may prohibit the sale of any package for which a manufacturer has failed to respond to a request by the department for a certificate of compliance within the allotted period of time pursuant to section 110 of this act.

NEW SECTION. Sec. 113. By July 1, 1995, the solid waste advisory committee created under chapter 70.95 RCW shall report to the appropriate standing committees of the legislature on the effectiveness of reducing toxic metals from packaging. The report shall contain recommendations to add other toxic substances contained in packaging to the list set forth in this chapter, including but not limited to mutagens, carcinogens, and teratogens, in order to further reduce the toxicity of packaging waste, and shall contain a recommendation regarding imposition of penalty for violation of section 108 of this act, and a recommendation whether or not to continue the recycling exemption as it is provided for in section 109 of this act.

Sec. 114. RCW 70.95C.120 and 1989 c 431 s 54 are each amended to read as follows:

The office of waste reduction shall develop, in consultation with the superintendent of public instruction, an awards program to achieve waste reduction and recycling in the public schools, grades kindergarten through high school. The office shall develop guidelines for program development and implementation. Each public school shall implement a waste reduction and recycling program conforming to guidelines developed by the office.

For the purpose of granting awards, the office may group schools into not more than three classes, based upon student population, distance to markets for recyclable materials, and other criteria, as deemed appropriate by the office. Except as otherwise provided, five or more awards shall be granted to each of the three classes. Each award shall be a sum of not less than two thousand dollars nor more than five thousand dollars. Awards shall be granted each year to the schools that achieve the greatest levels of waste reduction and recycling. ~~((Each))~~ A single award ~~((shall be of a sum))~~ of not less than ~~((ten))~~ five thousand dollars shall be presented to the school having the best recycling program as determined by the office. A single award of not less than five thousand dollars shall be presented to the school having the best waste reduction program as determined by the office. ~~((The office shall also develop recommendations for an awards program for waste reduction in the public schools. The office shall submit these recommendations to the appropriate standing committees in the house of representatives and senate on or before November 30, 1989.))~~

The superintendent of public instruction shall distribute guidelines and other materials developed by the office to implement programs to reduce and recycle waste generated in administrative offices, classrooms, laboratories, cafeterias, and maintenance operations.

NEW SECTION. Sec. 115. There is established the task force on recycling funding. The task force shall consist of fourteen members as follows: (1) Two members of the house of representatives appointed by the speaker of the house of representatives with one member from each of the two caucuses of the house of representatives; (2) two members of the senate appointed by the president of the senate with one member from each of the two caucuses of the senate; (3) six members appointed by the speaker of the house of representatives and the president of the senate with one each representing manufacturers, wholesalers, retailers, cities, counties, and an environmental organization; and (4) three members representing the departments of ecology, trade and economic development, and revenue appointed by their respective directors.

The task force shall study long-term funding mechanisms for recycling systems, comprehensive waste reduction, and diversion from landfill and mass burn incineration.

The task force shall report its findings and recommended legislation to the appropriate standing committees of the legislature no later than December 1, 1991.

The department of ecology shall provide administrative and staff support to the task force. Members of the task force shall be compensated in accordance with RCW 43.03.220. Nonlegislative members shall receive subsistence and mileage in accordance with RCW 43.03.050 and 43.03.060. Legislative members shall receive allowances in accordance with RCW 44.04.120.

This section shall expire January 1, 1992.

NEW SECTION. Sec. 116. Sections 103 through 105 of this act and sections 106 through 113 shall each constitute a new chapter in Title 70 RCW.

PART II

CLEAN WASHINGTON CENTER

NEW SECTION. Sec. 201. (1) The legislature finds that:

(a) Recycling conserves energy and landfill space, provides jobs and valuable feedstock materials to industry, and promotes health and environmental protection;

(b) Seventy-eight percent of the citizens of the state actively participate in recycling programs and Washington currently has the highest recycling rate in the nation;

(c) The current supply of many recycled commodities far exceeds the demand for such commodities;

(d) Many local governments and private entities cumulatively affect, and are affected by, the market for recycled commodities but have limited jurisdiction and cannot adequately address the problems of market development that are complex, wide-ranging, and regional in nature; and

(e) The private sector has the greatest capacity for creating and expanding markets for recycled commodities, and the development of private markets for recycled commodities is in the public interest.

(2) It is therefore the policy of the state to create a single entity to be known as the center for recycling markets development to develop new, and expand existing, markets for recycled commodities.

NEW SECTION. Sec. 202. There is created the center for recycling markets development within the department of trade and economic development. As used in this chapter, "center" means the center for recycling markets development.

NEW SECTION. Sec. 203. The purpose of the center is to provide or facilitate basic and applied research and development, marketing assistance, public education, and policy analysis in furthering the development of markets for recycled products. As used in this chapter, market development consists of public and private activities that are used to overcome impediments preventing full use of secondary materials diverted from the waste stream, and that encourage and expand use of those materials and subsequent products. In fulfilling this mission the center shall primarily direct its services to recycling businesses, which as used in this chapter mean those businesses engaged in transforming or remanufacturing waste materials into usable or marketable materials or products for use other than landfill disposal or incineration.

NEW SECTION. Sec. 204. (1) The center's activities shall be conducted with the assistance of a policy committee. Except as otherwise provided, policy committee members shall be appointed by the directors of the department of trade and economic development and department of ecology as follows:

(a) Two representatives of the legislature, one appointed by the speaker of the house of representatives and one appointed by the president of the senate;

(b) One member to represent cities;

(c) One member to represent counties;

(d) Five private sector members to represent the end users and marketers of post consumer recovered materials;

(e) The directors of the departments of trade and economic development and ecology shall represent the executive branch as non-voting members; and

(f) Non-voting, temporary appointments to the committee can be made by the chairman where specific expertise is needed.

(2) The initial appointments of the five private sector members will be two members with three-year terms and three members with two year terms. Thereafter, members shall serve two-year renewable terms. Vacancies shall be filled by the chair with majority consent from the members.

(3) Members of the committee, exclusive of those representing the legislative or executive branches, shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060

(4) The committee shall meet at least quarterly.

(5) The chair shall be selected from among the members by a simple majority vote

(6) The committee may adopt and exercise bylaws for the regulation of its business for the purposes of this chapter.

NEW SECTION. Sec. 205. The center shall:

(1) Provide targeted business assistance to recycling businesses, including:

(a) Development of business plans;

(b) Market research and planning information;

(c) Access to financing programs;

(d) Referral and information on market conditions; and

(e) Information on new technology and product development;

(2) Negotiate voluntary agreements with manufacturers to increase the use of recycled materials in product development;

(3) Support research and development to stimulate new technologies and products using recycled materials;

(4) Undertake an integrated, comprehensive education effort directed to recycling businesses to promote processing, manufacturing, and purchase of recycled products, including:

(a) Providing information to recycling businesses on the availability and benefits of using recycled materials;

(b) Providing information and referral services on recycled material markets;

(c) Providing information on new research and technologies that may be used by local businesses and governments; and

(d) Participating in projects to demonstrate new market uses or applications for recycled products;

(5) Assist the departments of ecology and general administration in the development of consistent definitions and standards on recycled content, product performance, and availability;

(6) Undertake studies on the unmet capital needs of reprocessing and manufacturing firms using recycled materials;

(7) Undertake and participating in marketing promotions for the purposes of achieving expanded market penetration for recycled content products;

(8) Coordinate with the department of ecology to ensure that the education programs of both are mutually reinforcing, with the center acting as the lead entity with respect to recycling businesses, and the department as the lead entity with respect to the general public and retailers; and

(9) Develop an annual work plan. The plan shall describe actions and recommendations for developing markets for commodities comprising a significant percentage of the waste stream and having potential for use as an industrial or commercial feedstock. The plan shall specify amounts, types, sources, and end uses of recycled material targeted for remanufacture, and shall show the budgeted expenses associated with each commodity. The initial plan shall, at a minimum, address mixed waste paper, waste

tires, yard and food waste, and plastics. The center shall submit its annual work plan to the legislature by December 1st of each year.

NEW SECTION. Sec. 206. In order to carry out its responsibilities under this chapter, the center may:

(1) Receive such gifts, grants, funds, fees, and endowments, in trust or otherwise, for the use and benefit of the purposes of the center. The center may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments;

(2) Initiate, conduct, or contract for studies and searches relating to market development for recyclable materials, including but not limited to applied research, technology transfer, and pilot demonstration projects;

(3) Obtain and disseminate information relating to market development for recyclable materials from other state and local agencies;

(4) Enter into, amend, and terminate contracts with individuals, corporations, trade associations, and research institutions for the purposes of this chapter;

(5) Provide grants to local governments or other public institutions to further the development of recycling markets;

(6) Provide business and marketing assistance to public and private sector entities within the state; and

(7) Evaluate, analyze, and make recommendations on state policies that may affect markets for recyclable materials.

NEW SECTION. Sec. 207. The center shall solicit financial contributions and support from manufacturing industries and other private sector sources, foundations, and grants from governmental sources to assist in conducting its activities. It may also use separately appropriated funds of the department of trade and economic development for the center's activities.

NEW SECTION. Sec. 208. The center may appoint advisory committees to assist in the development or implementation of the work plan.

NEW SECTION. Sec. 209. Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 210. A new section is added to chapter 70.93 RCW to read as follows:

There is created an account within the state treasury to be known as the clean Washington account. Moneys deposited in the clean Washington account shall be subject to appropriation and shall be used for the administration and implementation of the center for recycling markets development established under section 204 of this act.

NEW SECTION. Sec. 211. The following acts or parts of acts are each repealed:

(1) RCW 43.31.545 and 1989 c 431 s 64;

(2) RCW 43.31.552 and 1989 c 431 s 100;

(3) RCW 43.31.554 and 1989 c 431 s 101; and

(4) RCW 43.31.556 and 1990 c 127 s 1 & 1989 c 431 s 102.

NEW SECTION. Sec. 212. Sections 201 through 208 of this act shall constitute a new chapter in Title 70 RCW.

PART III MISCELLANEOUS

Sec. 301. RCW 70.95.040 and 1987 c 115 s 1 are each amended to read as follows:

(1) There is created a solid waste advisory committee to provide consultation to the department of ecology concerning matters covered by this chapter. The committee shall advise on the development of programs and regulations for solid and dangerous waste handling, resource recovery, and recycling, and shall supply recommendations concerning methods by which existing solid and dangerous waste handling, resource recovery, and recycling practices and the laws authorizing them may be supplemented and improved.

(2) The committee shall consist of at least eleven members, including the assistant director for ~~(the division of solid)~~ waste management programs within the department.

The director shall appoint ~~((ten))~~ members with due regard to the interests of the public, local government, tribes, agriculture, industry, public health, recycling industries, and the refuse removal and resource recovery industries. ~~((The director shall include among his ten appointees representatives of activities from which dangerous wastes arise and the Washington state patrol's hazardous materials technical advisory committee.))~~ The term of appointment shall be determined by the director. The committee shall elect its own ~~((chairman))~~ chair and meet at least four times a year, in accordance with such rules of procedure as it shall establish. Members shall receive no compensation for their services but shall be reimbursed their travel expenses while engaged in business of the committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) The committee shall each year recommend to the governor a recipient for a "governor's award of excellence" which the governor shall award for outstanding achievement by an industry, company, or individual in the area of hazardous waste or solid waste management.

NEW SECTION. Sec. 302. A new section is added to chapter 82.04 RCW to read as follows:

In computing tax there may be deducted from the measure of the tax the value of reusable or recyclable material or packaging returned by the buyer to the seller.

(1) This section shall not apply to manufacturers as defined in RCW 82.04.110,

(2) For purposes of this section:

(a) The value of the returned reusable or recyclable material or packaging, and the deduction amount, is the amount charged by the seller and rebated or credited to the buyer, but not including the amount of retail sales tax rebated or credited, when the material or packaging is returned.

(b) "Reusable or recyclable materials" means recyclable materials described in RCW 70.95.030(14) and other reusable articles of tangible personal property which through the custom and the industry are returned by the buyer to the seller to be recycled or remanufactured such as, but not limited to, automotive parts or cores like batteries, starters, and brakes. Reusable or recyclable materials does not include motor vehicles, airplanes, boats, heavy equipment or other such articles of tangible personal property.

(c) "Packaging" means items such as boxes, crates, bottles, cans, bags, drums, cartons, pallets, and all other materials in which tangible personal property may be contained or protected within a container, for transportation or delivery to a purchaser.

NEW SECTION. Sec. 303. Part headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 304. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 305. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 306. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "recycling;" strike the remainder of the title and insert "amending RCW 70.93.020, 70.93.030, 70.95C.120, 70.95.040; repealing RCW 43.131.545, 43.131.552, 43.131.554, and 43.31.556; adding a new section to chapter 70.93 RCW; adding a new section to chapter 82.04 RCW; adding new chapters to Title 70 RCW; creating new sections; and declaring an emergency."

Signed by Representatives Rust, Chair; Valle, Vice Chair; Horn, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; Bray; Brekke; G. Fisher; Neher; Phillips; Pruitt; D. Sommers; and Sprengle.

MINORITY recommendation: Do not pass. Signed by Representative Van Loven.

Referred to Committee on Revenue.

April 4, 1991

SSB 5612 Prime Sponsor, Committee on Environment & Natural Resources: Changing provisions relating to natural resources conservation areas. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 21 after "securities," strike "interest,"

On page 5, line 23 after "areas" strike "and all earnings from investments of balances in the account"

On page 5, line 25 after "account." strike everything down to and including "account." on line 26

On page 6, beginning on line 5 strike all of section 9

Renumber remaining sections consecutively and correct internal references accordingly.

On page 6, beginning on line 13 strike all of section 11

Renumber remaining sections consecutively and correct internal references accordingly.

On page 1, line 3 of the title, after "79.71.080," strike "79.71.090, and 43.84.090; creating new sections" and insert "and 79.71.090; creating a new section"

Signed by Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Hargrove; Morton; Riley; Sheldon; and Wynne.

Passed to Committee on Rules for second reading.

April 5, 1991

SSB 5626 Prime Sponsor, Committee on Environment & Natural Resources: Revising provisions relating to the hardwood commission. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Cantwell, Chair; Sheldon, Vice Chair; Former, Ranking Minority Member; Betrozoff, Assistant Ranking Minority Member; Ferguson; Kremen; Ludwig; Moyer; Rasmussen; Riley; and Roland.

Excused: Representative Ludwig.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5628 Prime Sponsor, Committee on Agriculture & Water Resources:
 Modifying provisions for crop liens for handlers. Reported by
 Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:
 Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 60.11.010 and 1986 c 242 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Crop" means all products of the soil either growing or cropped, cut, or gathered which require annual planting, harvesting, or cultivating. A crop does not include vegetation produced by the powers of nature alone, nursery stock, or vegetation intended as a permanent enhancement of the land itself.

(2) "Handler" means a person: Who prepares an orchard crop for market for the account of, or as agent for, the producer of the crop, which preparation includes, but is not limited to, receiving, storing, packing, marketing, selling, or delivering the orchard crop; and who takes delivery of the crop from the producer of the crop or from another handler. "Handler" does not include a person who solely transports the crop from the producer to another person.

(3) "Landlord" means a person who leases or subleases to a tenant real property upon which crops are growing or will be grown.

~~((3))~~ (4) "Orchard crop" means cherries, peaches, nectarines, plums or prunes, pears, apricots, and apples.

(5) "Secured party" and "security interest" have the same meaning as used in the Uniform Commercial Code, Title 62A RCW.

~~((4))~~ (6) "Supplier" includes, but is not limited to, a person who furnishes seed, furnishes and/or applies commercial fertilizer, pesticide, fungicide, weed killer, or herbicide, including spraying and dusting, upon the land of the grower or landowner, or furnishes any work or labor upon the land of the grower or landowner including tilling, preparing for the growing of crops, sowing, planting, cultivating, cutting, digging, picking, pulling, or otherwise harvesting any crop grown thereon, or in gathering, securing, or housing any crop grown thereon, or in threshing any grain or hauling to any warehouse any crop or grain grown thereon.

~~((5))~~ (7) "Lien debtor" means the person who is obligated or owes payment or other performance. If the lien debtor and the owner of the collateral are not the same person, "lien debtor" means the owner of the collateral.

~~((6))~~ (8) "Lien holder" means a person who, by statute, has acquired a lien on the property of the lien debtor, or such person's successor in interest.

Sec. 2. RCW 60.11.020 and 1986 c 242 s 2 are each amended to read as follows:

(1) A landlord whose lease or other agreement with the tenant provides for cash rental payment shall have a lien upon all crops grown upon the demised land in which the landlord has an interest for no more than one year's rent due or to become due within six months following harvest. A landlord with a crop share agreement has an interest in the growing crop which shall not be encumbered by crop liens except as provided in subsections (2) and (3) of this section.

(2) A landlord shall have a lien upon all crops for which the supplies are used or applied to secure payment of the purchase price of the supplies and/or services performed: PROVIDED, That the landlord's interest in the crop shall only be subject to the lien for the amount obligated to be paid by the landlord if prior written consent of the landlord is obtained or if the landlord has agreed in writing with the tenant to pay or be responsible for a portion of the supplies and/or services provided by the lien holder.

(3) A handler shall have a lien on all orchard crops delivered by the lien debtor or another handler to the handler and on all proceeds of the orchard crops for: (a) All customary charges for the ordinary and necessary handling of the crop, including but not limited to charges for transporting, receiving, inspecting, materials and supplies furnished, washing, waxing, sorting, packing, storing, promoting, marketing, selling, advertising, insuring, or otherwise handling the lien debtor's crop; and (b) reasonable cooperative per unit retainages, and for all governmental or quasi-governmental assessments imposed by statute, ordinance, or government regulation. Charges shall not include direct or indirect advances or extensions of credit to lien debtor.

Sec. 3. RCW 60.11.030 and 1986 c 242 s 3 are each amended to read as follows:

(1) Upon filing, the liens described in RCW 60.11.020 (1) and (2) shall attach to the crop for all sums then and thereafter due and owing the lien holder and shall continue in all identifiable cash proceeds of the crop.

(2) Upon the delivery of an orchard crop by the lien debtor, without the necessity of filing, the lien for charges as set forth in RCW 60.11.020(3) shall attach to the delivered crop and shall continue in both the crop and all proceeds of the crop.

Sec. 4. RCW 60.11.040 and 1989 c 229 s 1 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section with respect to the lien of a landlord, and except for the lien of a handler as provided in RCW 60.11.020(3), any lien holder must after the commencement of delivery of such supplies and/or of provision of such services, but before the completion of the harvest of the crops for which the lien is claimed, or in the case of a lien for furnishing work or labor within twenty days after the cessation of the work or labor for which the lien is claimed: (a) File a statement evidencing the lien with the department of licensing; and (b) if the lien holder is to be allowed costs, disbursements, and attorneys' fees, mail a copy of such statement to the last known address of the debtor by certified mail, return receipt requested, within ten days.

(2) The statement shall be in writing, signed by the claimant, and shall contain in substance the following information:

- (a) The name and address of the claimant;
- (b) The name and address of the debtor;
- (c) The date of commencement of performance for which the lien is claimed;
- (d) A description of the labor services, materials, or supplies furnished;
- (e) A description of the crop and its location to be charged with the lien sufficient for identification; and
- (f) The signature of the claimant.

(3) The department of licensing may by rule prescribe standard filing forms, fees, and uniform procedures for filing with, and obtaining information from, filing officers, including provisions for filing crop liens together with financing statements filed pursuant to RCW 62A.9-401 so that one request will reveal all filed crop liens and security interests.

(4) Any landlord claiming a lien under this chapter for rent shall file a statement evidencing the lien with the department of licensing. A lien for rent claimed by a landlord pursuant to this chapter shall be effective during the term of the lease for a period of up to five years. A landlord lien covering a lease term longer than five years may be refiled in accordance with RCW 60.11.050(~~((4))~~) (5). A landlord who has a right to a share of the crop may place suppliers on notice by filing evidence of such interest in the same manner as provided for filing a landlord's lien.

Sec. 5. RCW 60.11.050 and 1986 c 242 s 5 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), (~~and~~) (4), and (5) of this section, conflicting liens and security interests shall rank in accordance with the time of filing.

(2) The lien created in RCW 60.11.020(2) in favor of any person who furnishes any work or labor upon the land of the grower or landowner shall be preferred and prior to

any other lien or security interest upon the crops to which they attach including the liens described in subsections (3) ~~((and))~~, (4), and (5) of this section.

(3) The lien created in RCW 60.11.020(3) in favor of handlers is preferred and prior to a lien or security interest described in subsection (4) or (5) of this section and to any other lien or security interest upon the crops to which they attach except the liens in favor of a person who furnishes work or labor upon the land of the grower or landlord. Whenever more than one handler holds a handler's lien created by RCW 60.11.020(3) in the same crop, unless the affected parties otherwise agree in writing, the later of the liens to attach has priority over all previously attached handlers' liens.

(4) A lien or security interest in crops otherwise entitled to priority pursuant to subsection (1) of this section shall be subordinate to a later filed lien or security interest incurred to produce the crop to the extent that obligations secured by such earlier filed security interest or lien were not incurred to produce such crops.

~~((4))~~ (5) A lien or security interest in crops otherwise entitled to priority pursuant to subsection (1) of this section shall be subordinate to a properly filed landlord's lien. A landlord's lien shall retain its priority if refiled within six months prior to its expiration.

Sec. 6. RCW 60.11.140 and 1986 c 242 s 14 are each amended to read as follows:

(1) Whenever the total amount of the lien has been fully paid, the lien holder filing a lien shall, within fifteen days following receipt of full payment, file its lien termination statement with the department of licensing. Failure to file a lien termination statement by the lien holder or the assignee of the lien holder shall cause the lien holder or its assignee to be liable to the debtor for the attorneys' fees and costs incurred by the debtor to have the lien terminated together with damages incurred by the debtor due to the failure of the lien holder to terminate the lien.

(2) There shall be no charge by the department of licensing for entering the lien termination statement and indexing the same and returning a copy of the lien termination statement stamped as "filed" with the filing date thereon.

(3) The department of licensing may enter the lien termination statement on microfilm or other photographic record and destroy all originals of the lien and lien satisfaction filed with him or her.

Sec. 7. RCW 62A.9-310 and 1986 c 242 s 16 are each amended to read as follows:

(1) When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest only if the lien is statutory and the statute expressly provides for such priority.

(2) A preparer lien or processor lien properly created pursuant to chapter 60.13 RCW or a depositor's lien created pursuant to chapter 22.09 RCW takes priority over any perfected or unperfected security interest.

(3) Conflicting priorities between ~~((nonpossessory))~~ crop liens created under chapter 60.11 RCW and security interests shall be governed by chapter 60.11 RCW.

On page 1, line 1 of the title, after "handlers;" strike the remainder of the title and insert "and amending RCW 60.11.010, 60.11.020, 60.11.030, 60.11.040, 60.11.050, 60.11.140, and 62A.9-310."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; McLean; Rasmussen; and Roland.

Excused: Representative Lisk.

Passed to Committee on Rules for second reading.

April 5, 1991

ESSB 5629 Prime Sponsor, Committee on Agriculture & Water Resources:
Prohibiting unauthorized acts against animal facilities. Reported by
Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 9.08 RCW to read as follows:

There has been an increasing number of illegal acts committed against animal production and research facilities involving injury or loss of life to animals or humans, criminal trespass, and damage to property. These actions not only abridge the property rights of the owners, operators, and employees of the facility, they may also damage the public interest by jeopardizing crucial animal production or agricultural, scientific, or biomedical research. These actions may also threaten the public safety by exposing communities to public health concerns and creating traffic hazards. These actions substantially disrupt or damage research and result in the potential loss of physical and intellectual property. Therefore, it is in the interest of the people of the state of Washington to protect the welfare of humans and animals, as well as the productive use of private or public funds, to promote and protect scientific and medical research, foster education, and preserve and enhance agricultural production.

NEW SECTION. Sec. 2. A new section is added to chapter 9.08 RCW to read as follows:

A person is guilty of a class C felony: If he or she, without authorization, knowingly takes, releases, destroys, contaminates, or damages any animal or animals kept in a research or educational facility where the animal or animals are used or to be used for medical research purposes or other research purposes or for educational purposes; or if he or she, without authorization, knowingly destroys or damages any records, equipment, research product, or other thing pertaining to such animal or animals.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

(1) Joint and several liability for damages shall apply to persons and organizations that commit an intentional tort of (a) taking, releasing, destroying, contaminating, or damaging any animal or animals kept in a research or educational facility, where the animal or animals are used or to be used for medical research or other research purposes, or for educational purposes; or (b) destroying or damaging any records, equipment, research product, or other thing pertaining to such animal or animals.

(2) Any person or organization that plans or participates in, or assists in the development or execution of a plan to commit an intentional tort covered by subsection (1) of this section shall be liable for damages to the same extent as those who execute the plan, regardless of whether the intentional tort is carried out as planned.

(3) In any case where damages are awarded under this section, the court shall award to the plaintiff all costs of the litigation, including reasonable attorneys' fees, investigation costs, and court costs, and shall impose on any liable party a civil fine of not to exceed one hundred thousand dollars to be paid to the plaintiff.

NEW SECTION. Sec. 4. A new section is added to chapter 4.24 RCW to read as follows:

(1) Joint and several liability for damages shall apply to persons and organizations that commit an intentional tort of taking, releasing, destroying or damaging any animal or animals kept by a farmer for farm purposes or by a veterinarian for veterinary

purposes; or of destroying or damaging any farm or veterinary equipment or supplies pertaining to such animal or animals.

(2) Any person or organization that plans or participates in, or assists in the development or execution of a plan to commit an intentional tort covered by subsection (1) of this section shall be liable for damages to the same extent as those who execute the plan, regardless of whether the intentional tort is carried out as planned.

(3) In any case where damages are awarded under this section, the court shall award to the plaintiff all costs of the litigation, including reasonable attorneys' fees, investigation costs, and court costs, and shall impose on any liable party a civil fine of not to exceed one hundred thousand dollars to be paid to the plaintiff.

NEW SECTION. Sec. 5. A new section is added to chapter 4.24 RCW to read as follows:

Any individual having reason to believe that he or she may be injured by the commission of an intentional tort under section 3 or 4 of this act may apply for injunctive relief to prevent the occurrence of the tort. Any individual who owns or is employed at a research or educational facility or an agricultural production facility where animals are used for research, educational, or agricultural purposes who is harassed, or believes that he or she is about to be harassed, by an organization, person, or persons whose intent is to stop or modify the facility's use or uses of an animal or animals, may apply for injunctive relief to prevent the harassment. Harassment, for purposes of this section, means any threat, without lawful authority, which the recipient has good reason to fear will be carried out and which would cause injury to the person or property of the recipient, result in the recipient's physical confinement or restraint, or maliciously do any other act intended to substantially cause harm to the recipient's mental health or safety.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "adding new sections to chapter 9.08 RCW; adding new sections to chapter 4.24 RCW; prescribing penalties; and declaring an emergency."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; Rasmussen; and Roland.

Passed to Committee on Rules for second reading.

April 4, 1991

SB 5630 Prime Sponsor, Senator McCaslin: Exempting certain permits and licenses from the definition of a fee. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Morton; Riley; Sheldon; and Wynne.

Excused: Representative Wynne.

Passed to Committee on Rules for second reading.

April 1, 1991

SSB 5632 Prime Sponsor, Committee, on Health & Long-Term Care:
Redefining what an ocularist is and his or her apprenticeship period.
Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendment:

On page 8, beginning on line 11, after "services," strike the remainder of the section and insert "constitutes unprofessional conduct under this chapter and chapter 18.130 RCW."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Cantwell; Edmondson; Franklin; Paris; Prentice; and Sprenkle.

Excused: Representatives Casada, Assistant Ranking Minority Member; Cantwell; and Morris.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5635 Prime Sponsor, Committee on Health & Long-Term Care: Changing provisions relating to advanced registered nurse practitioners.
Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. LEGISLATIVE INTENT. The legislature finds that the prescribing of legend drugs and controlled substances is an activity requiring specialized knowledge and training.

The legislature further finds that the development of educational requirements necessary to prescribe legend drugs and controlled substances and quality assurance guidelines to promote safe and effective prescribing practices are in the best interests of the public health and safety.

The legislature declares that in an effort to achieve greater access to health care services, advanced registered nurse practitioners should be granted plenary authority to prescribe drugs. The legislature further declares that a prescriptive authority advisory committee can assist in regulating the prescribing activities of advanced registered nurse practitioners.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advanced registered nurse practitioner" means an individual licensed under this chapter.

(2) "Prescriptive authority advisory committee" means the prescriptive authority advisory committee to the state board of nursing as outlined in sections 6 and 7 of this act.

(3) "Prescriptive authority use plan" means written criteria utilized by advanced registered nurse practitioners with prescriptive authority that demonstrate a process of consultation and referral with other health care professionals under chapter 18.22, 18.32, 18.57, or 18.71 RCW or an advanced registered nurse practitioner under chapter 18.88 RCW and quality assurance mechanisms pertaining to prescribing practices of advanced registered nurse practitioners pursuant to section 7 of this act.

(4) "Consultation" or "collaboration" means a process that involves two or more health care professionals working together, though not necessarily in direct and bodily presence, with each contributing his or her respective area of expertise to provide more comprehensive care than one alone can offer.

(5) "Board" means the state board of nursing.

NEW SECTION. Sec. 3. **SCOPE OF ADVANCED REGISTERED NURSE PRACTITIONER PRACTICE.** An advanced registered nurse practitioner is a registered nurse prepared in a formal educational program to assume an expanded role in providing health care services. This practice builds on previous knowledge and skill and utilizes in-depth knowledge of physical assessment and management of illnesses or conditions within the advanced registered nurse practitioner's scope of practice. Advanced registered nurse practice includes collaboration with other licensed health professionals such as physicians, pharmacists, podiatrists, dentists, and nurses. An advanced registered nurse practitioner shall:

(1) Hold a current license to practice as a registered nurse in Washington as provided in chapter 18.88 RCW;

(2) Have completed an advanced formal education program in the area of specialty;

(3) Have been granted a certification credential for specialized and advanced nursing practice granted by a national certifying body whose certification program is approved by the board; and

(4) Upon the approval of the board, be granted plenary authority to prescribe legend drugs as defined in chapter 69.41 RCW and controlled substances, schedules II-V as defined in chapter 69.50 RCW when acting within their scope of practice.

NEW SECTION. Sec. 4. **LICENSE REQUIRED.** After July 1, 1992, no person may practice or represent oneself as an advanced registered nurse practitioner unless licensed as both a registered nurse and as an advanced registered nurse practitioner by the department under this chapter.

NEW SECTION. Sec. 5. **TRANSITION PERIOD.** Until July 1, 1992, and notwithstanding the provisions of sections 1 through 12 of this act, nurses licensed under this chapter and authorized by the board to prescribe legend drugs and schedule V controlled substances may continue to prescribe these drugs. Such authorized nurses who are certified registered nurse anesthetists may directly administer or order medications to be administered preoperatively, intraoperatively, or postoperatively in licensed health care facilities during this transition period.

NEW SECTION. Sec. 6. **PRESCRIPTIVE AUTHORITY ADVISORY COMMITTEE.** (1) There is created a prescriptive authority advisory committee, hereafter referred to as the committee, to the state board of nursing, which shall consist of six members who are residents of this state. The governor shall make appointments to the committee.

(2) The committee shall be composed of:

(a) Three advanced registered nurse practitioner members who shall be licensed as advanced registered nurse practitioners under provisions of this chapter, are actively engaged in their areas of practice at the time of appointment, and have had five years of at least half-time experience in the clinical practice of nursing.

(b) One physician member who shall be licensed under chapter 18.71 or 18.57 RCW, is actively engaged in his or her area of practice at the time of appointment, and has had five years of at least half-time experience in the clinical practice of medicine.

(c) One pharmacist member who shall be licensed as a pharmacist under chapter 18.64 RCW, is actively engaged in his or her area of practice at the time of appointment, and has had five years of at least half-time experience in the clinical practice of pharmacy.

(d) One member to represent the public who shall not (i) be a member of another health professional regulatory board or advisory committee, (ii) hold a health occupational credential, (iii) have a fiduciary obligation to a health care facility, or (iv) have a material financial interest in the rendering of health care services.

(3) Prescriptive authority advisory committee members shall serve for a term of three years until their successors are appointed and qualified, except that the initial appointments, which shall be made within ninety days after the effective date of this act, shall be as follows:

(a) Two registered nurse practitioners shall serve for one year;

(b) The physician and public member shall serve for two years;

(c) One registered nurse practitioner and the pharmacist shall serve for three years.

(4) Whenever a vacancy shall occur on the committee by reason other than the expiration of a term of office, the governor shall appoint a successor of like qualifications for the remainder of the unexpired term. Members shall continue to serve until their successors are appointed. No person shall serve as a member of the committee for more than two consecutive terms. No person may concurrently serve on the committee and the boards regulating health care professionals under chapter 18.57, 18.71, or 18.72 RCW or the state board of nursing as authorized by this chapter.

(5) The governor may remove any appointed member from the committee for neglect of any duty required by law, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW.

(6) The committee shall hold regular annual meetings. Other meetings shall be held at such times as deemed necessary or advisable by the chair or by a majority of the members. Reasonable notice of all meetings shall be given in a manner prescribed by the rules of the committee. A chair and vice-chair will be decided by a vote of the committee. A quorum of the committee shall consist of at least five members. The committee shall work with and through the board and the department.

(7) Each member of the committee shall, in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060 while away from home, be compensated in accordance with RCW 43.03.240.

NEW SECTION. Sec. 7. POWERS AND DUTIES OF THE PRESCRIPTIVE AUTHORITY ADVISORY COMMITTEE. (1) In addition to any other authority provided by the law, the committee shall:

(a) Develop a monitoring system of the prescribing practices of advanced registered nurse practitioners for legend drugs and schedules II-V for recommendation to the board. The committee shall report evidence of a pattern of inappropriate prescribing by an advanced registered nurse practitioner to the board immediately.

(b) Shall deliver opinions to the board on all disciplinary matters pertaining to prescriptive practices, and pertaining to decisions regarding new specialty categories of advanced registered nurse practitioners pending, before the board. The board shall review the committee's opinion before taking final disciplinary action. Should the board's final decision differ from the opinion of the committee, the committee has the authority to appeal the board's decision to the secretary. The secretary is authorized to deliver a final opinion on all appeals that is final and binding.

(c) Recommend to the board requirements for a prescriptive authority use plan which outlines procedures for consultation and referral with other health care professionals. The purpose of the prescriptive authority use plan is to encourage collaboration between health care professionals regarding their prescriptive practices but is not intended to burden the efficient delivery of services through mandatory

consultations and referrals. In developing the requirements for the prescriptive authority use plan, the committee shall provide that the advanced registered nurse practitioner submit in writing (i) a brief description of the advanced registered nurse practitioner's clinical practice; (ii) a description of the process for consultation and referral including documentation of consultations and referrals in the patient's medical record; (iii) a list of names and titles of health care professionals and agencies utilized for routine consultation and referral. If the advanced registered nurse practitioner is considered to be providing primary care services, the list should include at least one physician who is appropriate to the advanced registered nurse's scope of practice; and (iv) a description of the process for quality assurance used to evaluate the prescriptive practices of the advanced registered nurse practitioner; and

(d) Recognize and consider the education and training of practicing nurses who were authorized by the committee to have prescriptive authority for legend drugs and schedule V controlled substances prior to the effective date of this act. The committee shall limit any additional education and training required of such persons to those areas relating to the additional prescriptive authority authorized under this chapter.

(2) Except for provisions of subsection (1) of this section, all other matters pertaining to licensure of an advanced registered nurse practitioner shall be determined and governed by the state board of nursing. These matters include, but are not limited to, delineating the qualifications for licensure of advanced registered nurse practitioners; specifying requirements for the renewal of licensure; approving accrediting and certification bodies for the purpose of licensure of advanced registered nurse practitioners, approving curricula, establishing criteria for minimum standards for schools preparing persons for licensure under this chapter.

(3) The committee and the board shall coordinate to assure the implementation of this chapter.

NEW SECTION. Sec. 8. DUTIES OF THE DEPARTMENT. In mutual consultation with the committee, the department shall:

(1) Establish forms and procedures necessary to administer sections 1 through 12 of this act;

(2) Hire clerical, administrative, investigative, and other staff as needed to implement sections 1 through 12 of this act;

(3) Keep an official record of all proceedings. A part of the record shall consist of a register of all applicants for licensure as an advanced registered nurse practitioner under this chapter and the results of each application; and

(4) To the extent possible the department shall minimize costs by coordinating whenever possible clerical, investigative, and administrative activities associated with the board and the committee operation.

NEW SECTION. Sec. 9. QUALIFICATIONS OF APPLICANTS FOR LICENSE. An applicant for a license to practice as an advanced registered nurse practitioner shall submit to the committee (1) an attested written application on department forms; (2) written official evidence of diploma from an approved school of nursing; (3) proof of licensure as a registered nurse as provided for under this chapter; (4) a prescriptive authority use plan as established in section 7 of this act; and (5) any other official records specified by the committee. The applicant at the time of such submission shall not be in violation of chapter 18.130 RCW or any provision of this chapter.

NEW SECTION. Sec. 10. CREDENTIALING BY ENDORSEMENT. The department may issue a license by endorsement to practice as an advanced registered nurse practitioner to an applicant who is duly credentialed as a registered nurse and an advanced registered nurse practitioner, or its equivalent, under the laws of another state, territory or possession of the United States if the board determines that the other jurisdiction's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 11. USE OF NOMENCLATURE. Any person who holds a license to practice as an advanced registered nurse practitioner in this state shall have the right to use the title "advanced registered nurse practitioner" and the abbreviations "ARNP" or "A.R.N.P.". No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using them is an advanced registered nurse practitioner.

NEW SECTION. Sec. 12. EMERGENCY DISPENSING OF CONTROLLED SUBSTANCES. Dispensing of controlled substances under schedules II through V is limited to emergency situations. In such an emergency, dispensing is limited to a maximum of a forty-eight hour supply of the prescribed controlled substance.

Sec. 13. RCW 18.88.010 and 1973 c 133 s 1 are each amended to read as follows:

In order to safeguard life, health and to promote public welfare, any person practicing or offering to practice nursing as a registered nurse or as an advanced registered nurse practitioner in this state shall hereafter be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. The registered nurse ((is)) and the advanced registered nurse practitioner are directly accountable and responsible to the individual consumer for the quality of nursing care rendered.

Sec. 14. RCW 18.88.160 and 1991 c 3 s 216 are each amended to read as follows:

Each applicant for a license to practice as a registered nurse or a specialized or an advanced registered nurse practitioner shall pay a fee determined by the secretary as provided in RCW ((43.24.086)) 43.70.250 to the state treasurer. All fees collected shall be used to support the activities of the board, committee, and the department for implementation of this chapter. The costs of supporting the board and the committee and their activities shall be borne equally by all registered nurses and advanced registered nurses licensed under this chapter.

Sec. 15. RCW 18.88.175 and 1991 c 3 s 217 are each amended to read as follows:

Upon approval by the board, and when applicable, the committee, and following verification of satisfactory completion of an advanced formal education, the department of health shall issue an interim permit authorizing the applicant to specialty practice ((specialized and)) or as an advanced nursing ((practice)) practitioner pending notification of the results of the first certification examination. The board and the committee shall require persons practicing with an interim permit to be supervised by a health care practitioner regulated under chapter 18.71, 18.57, 18.22, 18.32 RCW, or this chapter. If the applicant passes the examination, the department shall grant advanced registered nurse practitioner status. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable. The holder of the interim permit is subject to chapter 18.130 RCW.

Sec. 16. RCW 18.88.220 and 1991 c 3 s 220 are each amended to read as follows:

A person licensed under the provisions of this chapter desiring to retire temporarily from the practice of nursing or as an advanced registered nurse practitioner in this state shall send a written notice to the secretary.

Upon receipt of such notice the name of such person shall be placed on inactive status. While remaining on this status the person shall not practice nursing or as an advanced registered nurse practitioner in the state as provided in this chapter. When such person desires to resume practice, application for renewal of license shall be made to the board and renewal fee payable to the state treasurer. Persons on inactive status for three years or more must provide evidence of knowledge and skill of current practice as required by the board or as hereinafter in this chapter provided.

Sec. 17. RCW 18.88.280 and 1989 c 114 s 7 are each amended to read as follows:

This chapter shall not be construed as (1) prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice professional nursing within the meaning of this chapter, (2) or preventing any

person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency; (3) nor shall it be construed as prohibiting such practice of nursing by students enrolled in approved schools as may be incidental to their course of study nor shall it prohibit such students working as nursing aides; (4) nor shall it be construed as prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing service including those duties which involve minor nursing services for persons performed in hospitals, nursing homes or elsewhere under the direction of licensed physicians or the supervision of licensed, registered nurses; (5) nor shall it be construed as prohibiting or preventing the practice of nursing in this state by any legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if such person does not represent or hold himself or herself out as a nurse licensed to practice in this state; (6) nor shall it be construed as prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of any church by adherents thereof so long as they do not engage in the practice of nursing as defined in this chapter; (7) nor shall it be construed as prohibiting the practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof, while in the discharge of his or her official duties; (8) permitting the measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof; (9) permitting the prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics; (10) permitting the prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye; (11) prohibiting the performance of routine visual screening; (12) permitting the practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW respectively; (13) permitting the practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine; (14) permitting the practice of (~~podiatry~~) podiatric medicine and surgery as defined in chapter 18.22 RCW; (15) permitting the performance of major surgery, except such minor surgery as the board may have specifically authorized by rule (~~or regulation duty~~) adopted in accordance with the provisions of chapter 34.05 RCW; (16) permitting the prescribing of controlled substances as defined in schedule(~~(s)~~) I (~~through IV~~) of the Uniform Controlled Substances Act, chapter 69.50 RCW; (17) prohibiting the determination and pronouncement of death.

NEW SECTION. Sec. 18. Sections 1 through 12 of this act are each added to chapter 18.88 RCW.

NEW SECTION. Sec. 19. Sections captions as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 4, line 2 of the striking amendment, strike "six" and insert "five"

On page 4, beginning on line 5 of the striking amendment, strike everything through page 5, line 2 of the striking amendment, and insert:

"(a) Two advanced registered nurse practitioner members who shall be licensed as advanced registered nurse practitioners under the provisions of this chapter;

(b) Two physician members who shall be licensed under chapter 18.71 RCW or chapter 18.57 RCW;

(c) The secretary of the department of health, or a designee from the department.

(3) The prescriptive authority advisory committee members shall serve for a term of two years until their successors are appointed and qualified. Members of the committee shall be appointed within ninety days after the effective date of this act. The governor shall stagger initial terms of appointment to the extent that one physician member and one advanced registered nurse member shall be appointed for one year terms respectively."

On page 7, line 5 of the striking amendment, strike "Recognize and consider" and insert "Review"

On page 7, line 8 of the striking amendment, after "shall" insert "not necessarily"

On page 7, beginning on line 12 of the striking amendment, strike all of subsection (2), and renumber the remaining subsection accordingly

On page 1, beginning on line 2 of the title, strike all material through "emergency." on line 6 of the title, and insert "amending RCW 18.88.010, 18.88.160, 18.88.175, 18.88.220, and 18.88.280; adding new sections to chapter 18.88 RCW; creating a new section; and declaring an emergency."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Cantwell; Morris; Prentice; and Sprenkle.

MINORITY recommendation: Do not pass. Signed by Representatives Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Edmondson; Franklin; and Paris.

Passed to Committee on Rules for second reading.

April 5, 1991

SSB 5639 Prime Sponsor, Committee on Ways & Means: Creating the Pacific Northwest export assistance project. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds:

(1) The exporting of value-added manufactured goods, which for the purposes of sections 1 through 5 of this act shall include processed food and agricultural products, from Washington state and the Pacific Northwest region to international markets is vitally important for the public good, for maintaining our high standard of living, keeping our business community competitive in global markets, and in providing secure family-supporting jobs for our citizens.

(2) Comprehensive export assistance programs should be managed in a proactive, aggressive, and consistent manner to provide small manufacturers with easily accessible contacts, information, and services.

(3) Washington state must improve the coordination of various export promotion programs and develop new, targeted, trade promotion services.

(4) International marketing education, language training, and cultural awareness are vitally important for the success of international export initiatives.

(5) Impediments to the entry of many small and medium-sized manufacturers into export markets have restricted growth in exports from Washington state and the Pacific Northwest region.

(6) Small and medium-sized manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars require a comprehensive public export assistance program designed specifically to devise and manage complete introductory export strategies and secure export financing and credit guarantees. This comprehensive program for small and medium-sized manufacturers shall complement existing export assistance services offered by the department of trade and economic development and the Washington state department of agriculture by working with them in a close, cooperative, and strategic manner to promote the sale of Washington state products abroad.

(7) There is a need for a Pacific Northwest export assistance project which will specialize in providing comprehensive export assistance to small and medium-sized manufacturers relatively new to exporting throughout the state in acquiring international business information, designing and managing introductory export strategies, and in securing company specific financing and credit guarantees for exporting.

(8) It is the intent of the legislature to establish the Pacific Northwest export assistance project as a comprehensive export program within the department of trade and economic development. The department shall work with the small business export finance assistance center to insure that the project complements the center's efforts to assist businesses in securing financing and credit guarantees for export transactions. The department shall consult with the center about the project, and may contract with the center, in order to take full advantage of the center's expertise and experience in providing export finance assistance.

(9) The economic health of our neighboring states and provinces has a direct impact on commercial activity in Washington state. Washington's ports, private export management firms, commercial banking institutions, business community at large, and consumers rely on strong exporting sectors in our neighboring states and provinces to stimulate business activity in Washington state. It is in the best interest of Washington state, and each state and province in the Pacific Northwest region, to work cooperatively in building a strong and competitive exporting base of value-added manufacturing businesses.

NEW SECTION. Sec. 2. The Pacific Northwest export assistance project is hereby created within the department of trade and economic development for the following purposes:

(1) To assist small to medium-sized manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars with comprehensive services for designing and managing introductory export strategies and in securing financing and credit guarantees for export transactions;

(2) To provide, in cooperation with the export promotion services offered by the small business export finance assistance center and the Washington state department of agriculture, information and assistance to businesses with gross annual revenues less than twenty-five million dollars about the methods and procedures of structuring company specific export financing and credit guarantee alternatives; or

(3) To provide information to their clients about opportunities in organizing cooperative export networks, foreign sales corporations, or export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

NEW SECTION. Sec. 3. (1) The department of trade and economic development has the following powers and duties when exercising its authority regarding the Pacific Northwest export assistance project:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other public or private sources to fund the activities of the Pacific Northwest export assistance project;

(b) Offer comprehensive export assistance and counseling to manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars. As close to ninety percent as possible of each year's new cadre of project clients must have gross annual revenues of less than five million dollars at the time of their initial contract. Counseling may include, but not be limited to, helping clients obtain debt or equity financing, in constructing competent proposals, and assessing federal guarantee and/or insurance programs that underwrite exporting risk; assisting clients in evaluating their international marketplace by developing marketing materials, assessing and selecting targeted markets; assisting firms in finding foreign customers by conducting foreign market research, evaluating distribution systems, selecting and assisting in identification of and/or negotiations with foreign agents, distributors, retailers, and by promoting products through attending trade shows abroad; advising companies on their products, guarantees, and after sales service requirements necessary to compete effectively in a foreign market; designing a competitive strategy for a firm's products in targeted markets and methods of minimizing their commercial and political risks; securing for clients specific assistance as needed, outside the department's field of expertise, by referrals to other public or private organizations. The Pacific Northwest export assistance project shall focus its efforts on facilitating export transactions for its clients, and in doing so, provide such technical services as are appropriate to accomplish its mission either with staff or outside consultants;

(c) Sign three-year counseling agreements with its clients that provide for termination if adequate funding for the Pacific Northwest export assistance project is not provided in future appropriations. Counseling agreements shall not be renewed unless there are compelling reasons to do so, and under no circumstances shall they be renewed for more than two additional years. A counseling agreement may not be renewed more than once. The counseling agreements shall have mutual performance clauses, that if not met, will be grounds for releasing each party, without penalty, from the provisions of the agreement. Clients shall be immediately released from a counseling agreement with the Pacific Northwest export assistance project, without penalty, if a client wishes to switch to a private export management service and produces a valid contract signed with a private export management service, or if the director of the department of trade and economic development determines there are compelling reasons to release a client from the provisions of the counseling agreement;

(d) May contract with private or public international trade education services to provide Pacific Northwest export assistance project clients with training in international business. The director of the department of trade and economic development shall decide the amount of funding allocated for educational services based on the availability of resources in the operating budget of the budget of the Pacific Northwest export assistance project;

(e) May contract with the Washington state international trade fair to provide services for Pacific Northwest export assistance project clients to participate in one trade show annually. The director of the department of trade and economic development shall decide the amount of funding allocated for trade fair assistance based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(f) Provide biennial assessments of the Pacific Northwest export assistance project's performance. The Pacific Northwest export assistance project is an innovative program for the promotion of international trade. As such, the project personnel shall work with the department of revenue and employment security department to confidentially track the performance of the project's clients in increasing tax revenues to the state, increasing gross sales revenues and volume of products destined to foreign clients, and in creating new jobs for Washington citizens. A biennial report shall be prepared for the governor and legislature to assess the costs and benefits to the state from creating the project. The director of the department of trade and economic development shall design an

appropriate methodology for biennial assessments in consultation with the director of the Washington state department of agriculture. The department of revenue and the employment security department shall provide data necessary to complete this biennial evaluation, if the data being requested is available from existing data bases. Client-specific information generated from the files of the department of revenue and the employment security department for the purposes of this evaluation shall be kept strictly confidential by each department;

(g) Take whatever action may be necessary to accomplish the purposes set forth in sections 1 through 5 of this act; and

(h) Limit its assistance to promoting the exportation of value-added manufactured goods. The project shall not provide counseling or assistance, under any circumstances, for the importation of foreign made goods into the United States.

(2) The Pacific Northwest export assistance project shall not, under any circumstances, assume ownership or take title to the goods of its clients.

(3) The Pacific Northwest export assistance project may not use any Washington state funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement.

(4) The Pacific Northwest export assistance project shall make every effort to seek nonstate funds to supplement its operations.

(5) The Pacific Northwest export assistance project shall take whatever steps are necessary to provide its services, if requested, to the states of Oregon, Idaho, Montana, Alaska, and the Canadian provinces of British Columbia and Alberta. Interstate services shall not be provided by the Pacific Northwest export assistance project during its first biennium of operation. The provision of services may be temporary and subject to the payment of fees, or each state may request permanent services contingent upon a level of permanent funding adequate for services provided. Temporary services and fees may be negotiated by the director of the department of trade and economic development. The director of the department of trade and economic development may enter into negotiations with neighboring states to contract for delivery of the project's services. Final contracts for providing the project's counseling and services outside of the state of Washington on a permanent basis shall be subject to approval of the governor and appropriate legislative oversight committees.

(6) The department of trade and economic development may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the Pacific Northwest export assistance project and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(7) The department of trade and economic development may use the following formula in determining the number of clients that can be reasonably served by the Pacific Northwest export assistance project relative to its appropriation. Divide the amount appropriated for administration of the Pacific Northwest export assistance project by the marginal cost of adding each additional Pacific Northwest export assistance project client. For the purposes of this calculation, and only for the first biennium of operation, the biennial marginal cost of adding each additional Pacific Northwest export assistance project client shall be fifty-seven thousand ninety-five dollars. The biennial marginal cost of adding each additional client after the first biennium of operation shall be established from the actual operating experience of the Pacific Northwest export assistance project.

(8) All receipts from the Pacific Northwest export assistance project shall be deposited into the general fund.

NEW SECTION. Sec. 4. The department of trade and economic development shall adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of sections 1 through 5 of this act.

NEW SECTION. Sec. 5. The Pacific Northwest export assistance project fund is created in the custody of the state treasurer. Expenditures from the fund may be used only for the purposes of funding the services of the Pacific Northwest export assistance project under this chapter. Only the director of the department of trade and economic development or the director's designee may authorize expenditures from the fund. Funding appropriated by the state of Washington shall not be used to provide services to other states or provinces. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 43.31 RCW.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 8. If specific funding for the Pacific Northwest export assistance project, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 2 of the title, after "center;" strike the remainder of the title and insert "adding new sections to chapter 43.31 RCW; creating a new section; and declaring an emergency."

Signed by Representatives Cantwell, Chair; Sheldon, Vice Chair; Forner, Ranking Minority Member; Betrozoff, Assistant Ranking Minority Member; Kremen; Ludwig; Moyer; Rasmussen; Riley; and Roland.

MINORITY recommendation: Without recommendation. Signed by Representative Ferguson.

Referred to Committee on Appropriations.

April 5, 1991

SSB 5644 Prime Sponsor, Committee on Law & Justice: Regulating adult entertainment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the purpose of this chapter to regulate certain adult entertainment businesses to promote the health, safety, and welfare of the citizens of the state of Washington. The legislature finds that these businesses, when unregulated, promote illegal activities including obscenity, pornography, sexual offenses, and prostitution.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult entertainment business" means a nightclub, bar, restaurant, theater, concert hall, auditorium, or similar commercial establishment that regularly features live performances by nude or seminude persons.

(2) "Applicant" means a person or persons applying for a license under this chapter.

(3) "Business license" means a license issued by the department under this chapter to an adult entertainment business.

(4) "Department" means the department of licensing.

(5) "Director" means the director of licensing.

(6) "Licensee" means a person or persons in whose name a license has been issued under this chapter.

(7) "Nude" means a state of dress that exposes a person's bare buttock, anus, genital, or breast, or a state of dress which fails to cover opaquely a person's buttock, anus, genital, or areola of the breast.

(8) "Own or operate" means a person has a substantial interest in an adult entertainment business.

(9) "Performer's license" means a license issued by the department under this chapter to a performer in an adult entertainment business.

(10) "Seminude" means a state of dress other than nude that, with respect to a person's torso, opaquely covers only the buttocks, anus, genitals, and areolae of the breasts, as well as portions of the body covered by supporting straps or devices.

(11) "Substantial interest" means the interest possessed by a person when:

(a) With respect to a sole proprietorship, the person, or his or her marital community, owns, operates, manages, or conducts, directly or indirectly, the business, or any part of it; or

(b) With respect to a partnership, the person or his or her marital community, shares in any of the profits, or potential profits, of the business; or

(c) With respect to a corporation, the person or his or her spouse, is an officer, or director, or the person or his or her marital community is a holder, directly or beneficially, of ten percent or more of any class of stock of the business; or

(d) With respect to an organization not covered in (a), (b), or (c) of this subsection, the person or his or her spouse, is an officer or manages the business affairs, or the person or his or her marital community is owner of or otherwise controls ten percent or more of the assets of the business; or

(e) The person, or his or her marital community, furnishes ten percent or more of the capital, whether in cash, goods, or services, for the operation of the business during any calendar year.

NEW SECTION. Sec. 3. (1) It is a gross misdemeanor for a person to own, operate, or manage, or act as the agent for one who owns, operates, or manages, an adult entertainment business in the state of Washington unless the person has obtained a business license pursuant to this chapter.

(2) It is a gross misdemeanor for a performer to appear nude or seminude in an adult entertainment business unless the performer has obtained a performer's license pursuant to this chapter.

NEW SECTION. Sec. 4. (1) Each owner, operator, manager, or agent of a business must obtain and maintain a separate business license.

(2) An application for a business license must be made on a form provided by the department. The applicant shall provide: (a) The name, address, phone number, and date of birth of the applicant; (b) two passport-size color photographs of the applicant; (c) the applicant's principal occupation; (d) a description of the proposed establishment; (e) the nature of the proposed business; (f) the trade name of the proposed business; (g) location of the proposed business; and (h) such other information as the department may require by rule.

(3) At the time of applying, the applicant shall post notice of the application at the proposed business location in a form and manner as required by the department by rule.

NEW SECTION. Sec. 5. (1) The department shall grant or refuse a business license in accordance with this chapter.

(2) Every business license shall be issued in the name of the applicant or applicants, and the holder of a license shall not allow any other person to use it.

(3) No business license may be issued to:

(a) An individual, partnership, or corporation, unless qualified to obtain a business license, as provided in this chapter;

(b) An applicant whose business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications as are required of the business licensee;

(c) A corporation, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington;

(d) An applicant who is under eighteen years of age;

(e) An applicant who has failed to provide information reasonably necessary for issuance of the business license or who has falsely answered a question or request for information on the application form; or

(f) An applicant who has proposed the location of the business within a zone where such use is prohibited by state or local authority.

(4) Upon receipt of an application for a business license, the department shall give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a business license within an incorporated city or town, or to the county legislative authority, if the application is for a business license outside the boundaries of incorporated cities or towns, or to all the appropriate executive officers in the case of a regional adult entertainment business plan. Upon the granting of a business license under this chapter the department shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns, or to all chief executive officers of impacted cities, towns, or counties participating in a regional adult entertainment business plan.

(5)(a) Except as set forth in (b) of this subsection, the department shall not issue an initial business license covering any premises, if at the time the initial license is to be issued the premises are within a buffer zone of one thousand feet surrounding any residential zone, single or multifamily dwelling, church, park, playground, day care center, or elementary or secondary school. The one thousand feet shall be measured on a straight line between the closest points of the property on which the premises are located and the property of the residential zone, dwelling, church, park, playground, day care center, or school. For the purpose of this section, church means a building erected for and used exclusively for religious worship and schooling or other activity in connection with the worship and schooling. The department may rely on the measurements of the relevant local jurisdictions in determining the boundaries of a buffer zone.

(b) The legislative authority of a city, town, or county:

(i) Shall establish a buffer zone less than that established in (a) of this subsection if the legislative authority finds (A) that the adverse secondary effects of adult entertainment businesses on public health, safety, or welfare would not be greater as a result of the smaller buffer zone or (B) that failure to establish a smaller buffer zone will effectively prohibit any adult entertainment business in the city, town, or county and there is no regional agreement with neighboring cities, towns, or counties that provides adequate opportunities for such businesses; or

(ii) May establish a buffer zone greater than that established in (a) of this subsection if the legislative authority finds (A) that the adverse secondary effects of adult entertainment businesses on public health, safety, or welfare would not be reasonably and effectively mitigated without the larger buffer zone and (B) that establishing a larger buffer zone will not effectively prohibit any adult entertainment business in the city, town,

or county, or that there is a regional agreement with neighboring cities, towns, or counties that provides adequate opportunities for such businesses.

(c) If the location requirements established pursuant to this chapter effectively preclude location of adult entertainment businesses within a city, town, or county, such city, town, or county shall join with neighboring cities, towns, or counties in a regional adult entertainment business location plan in order to provide reasonable opportunity for location of adult entertainment businesses in the regional area.

NEW SECTION. Sec. 6. (1) The department may, subject to the provisions of this chapter and as provided by rule, suspend or cancel a business license; and all rights of the licensee under this chapter shall be suspended or terminated, as the case may be.

(2) Upon receipt of notice of the suspension or cancellation of a business license, the licensee shall forthwith deliver the license to the department. Where the business license has been suspended only, the department shall return the license to the licensee at the expiration or termination of the period of suspension.

NEW SECTION. Sec. 7. (1) Every business license issued under this chapter is subject to all conditions and restrictions imposed by this chapter. All conditions and restrictions imposed by the department in the issuance of an individual business license shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(2) Every business licensee shall post and keep posted its license in a conspicuous place on the premises.

NEW SECTION. Sec. 8. The department shall not issue a business license to a transferee until the transferee has applied for and received a business license under this chapter.

NEW SECTION. Sec. 9. (1)(a) At the time of the original issuance of a business license, the department shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required.

(b) Unless canceled sooner, every business license issued by the department shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the department deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.05 RCW, a system for staggering the annual renewal dates for business licenses. If such a system of staggered annual renewal dates is established by the department, the business license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect.

(2) The adult entertainment business license fee shall be established under RCW 43.24.086, but shall be at least seven hundred fifty dollars per annum, and shall be paid at the time of application. One-half of the fee shall be refunded if the application is withdrawn prior to a denial of the license by the department.

NEW SECTION. Sec. 10. (1) The holder of a business license may not assign or transfer the license, except that a transfer may be made to the surviving spouse of a deceased licensee if the transferor and transferee were maintaining a marital community and the license was issued in the name of one or both of them.

(2) A change in an owner or operator of a licensed business or a change in the manager or agent of a business must be reported to the department within thirty days, and any new owner, operator, manager, or agent must meet the requirements of section 5 of this act. The department shall charge a fee established under RCW 43.24.086 that is at least seventy-five dollars for the processing of a change in an owner, operator, manager, or agent.

NEW SECTION. Sec. 11. The department in suspending a business license may further provide in the order of suspension that such suspension shall be vacated upon payment to the department by the licensee of a monetary penalty in an amount fixed by the department but not to exceed ten thousand dollars.

NEW SECTION. Sec. 12. (1)(a) An application for a performer's license must be made on a form provided by the department. The performer shall provide the following: (i) The performer's name, including all aliases, address, phone number, and date of birth; (ii) two passport-size color photographs of the performer; (iii) principal occupation; (iv) the name and address of any business, if known, at which the performer will perform; and (v) such other information as the department may require by rule.

(b) Identifying information provided by an applicant under this subsection is exempt from public disclosure, and the department shall not disclose such information except to the extent necessary to carry out its responsibilities under this chapter, or to comply with a request from another governmental entity, or to comply with a court order.

(2) No performer's license may be issued to:

(a) A performer who is under eighteen years of age;

(b) A performer who has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(3) The performer's license fee shall be established under RCW 43.24.086, but shall be at least seventy-five dollars per annum and shall be paid at the time of application. One-half of the fee shall be refunded if the application is withdrawn prior to denial of the license by the department.

(4) Every performer shall keep his or her performer's license on the premises while performing.

NEW SECTION. Sec. 13. Every business licensed under section 5 of this act shall file monthly reports with the department pursuant to rule. The reports shall include the following: (1) The name, address, and date of birth of all performers appearing nude or seminude during the month; and (2) such further information as the department may require.

NEW SECTION. Sec. 14. An action, order, or decision of the department as to a denial of an application for the issuance or renewal of a business or performer's license or as to a revocation, suspension, or modification of a license is subject to the applicable provisions of chapter 34.05 RCW.

(1) An opportunity for a hearing must be provided a licensee prior to a revocation or modification of a business or performer's license and, except as provided in subsection (3) of this section, prior to the suspension of a license.

(2) No hearing shall be required until demanded by the applicant or licensee.

(3) The department may summarily suspend a business or performer's license for a period of up to thirty days without a prior hearing if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order; and proceedings for revocation or other action must be promptly instituted and determined.

NEW SECTION. Sec. 15. No provision in this chapter limits the authority of cities, towns, and counties from further regulating adult entertainment businesses as to hours of operation, location of premises, or manner of operation.

The provisions of this chapter relating to the licensing of any adult entertainment business shall not be exclusive and any city, town, or county within whose jurisdiction the adult entertainment business is located may require any registrations or licenses, or charge any fee for the same or similar purpose; and nothing in this chapter shall limit or abridge the authority of any city, town, or county to levy and collect a general and nondiscriminatory license fee levied upon all businesses, or to levy a tax based upon gross business conducted by any firm within the city, town, or county.

NEW SECTION. Sec. 16. The director has the following authority:

(1) To adopt, amend, or repeal such rules as are deemed necessary to carry out this chapter;

(2) To investigate all complaints or reports of conduct in violation of this chapter and to hold hearings as provided in this chapter;

(3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(5) To compel attendance of witnesses at hearings;

(6) To take emergency action ordering summary suspension of a business or performer's license, or restriction or limitation of the licensee's practice pending further disciplinary action under section 21 of this act;

(7) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the director or the director's designee shall make the final decision in the hearing;

(8) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(9) To grant or deny business or performer's license applications, and to impose any sanction against a license applicant or license holder provided by this chapter;

(10) To establish or increase in accordance with RCW 43.24.086 business and performer's license fees above the minimum set by this chapter;

(11) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;

(12) To designate individuals authorized to sign subpoenas and statements of charges; and

(13) To employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

NEW SECTION. Sec. 17. A person, including but not limited to a customer, licensee, corporation, organization, or state or local governmental agency, may submit a written complaint to the department charging a business or performer's license holder or applicant with a violation of this chapter. If the department determines that the complaint merits investigation, or if the department has reason to believe, without a formal complaint, that a license holder or applicant may have violated this chapter, the department may investigate to determine whether there has been a violation. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

NEW SECTION. Sec. 18. (1) If the department determines, upon investigation pursuant to section 17 of this act, that there is reason to believe a violation of this chapter has occurred, a statement of charge or charges may be prepared and served upon the business or performer's license holder or applicant. The statement of charge or charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charge or charges. The license holder or applicant must file a request for hearing with the department within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default, upon which the director or the director's designee may enter an order pursuant to RCW 34.05.440(1).

(2) If a hearing is requested, the time of the hearing shall be scheduled but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing.

NEW SECTION. Sec. 19. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings requested under section 18 of this act.

NEW SECTION. Sec. 20. (1) Upon a finding that a business or performer's license holder or applicant has engaged in conduct or violated conditions that are grounds for denial of a license or for disciplinary action under section 21 of this act, the director may issue an order providing for one or any combination of the following:

- (a) Revocation of the license;
 - (b) Suspension of the license for a fixed or indefinite term;
 - (c) Censure or reprimand;
 - (d) Compliance with conditions of probation for a designated period of time;
 - (e) Payment of a fine for each violation of this chapter, not to exceed one thousand dollars per violation, which shall be paid to the department;
 - (f) Denial of the license request.
- (2) Any of the actions under this section may be totally or partly stayed by the director. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

NEW SECTION. Sec. 21. The following conduct, acts, or conditions, constitute grounds for denial of a license or for disciplinary action against any business or performer's license holder or applicant under the jurisdiction of this chapter:

(1) With respect to a license holder, commission of an act that constitutes an obscenity or pornography offense under chapter 9.68 RCW, a sexual exploitation of children offense under chapter 9.68A RCW, a sexual offense under chapter 9A.44 RCW, a prostitution or indecent exposure offense under chapter 9A.88 RCW, or a substantially similar ordinance adopted by the legislative authority of a city, town, or county or other state statute. Conviction in a criminal proceeding is not a condition precedent to disciplinary action under this section. Upon a conviction, however, the judgment and sentence is conclusive evidence at an ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes a plea of guilty or nolo contendere and also includes all sentence deferrals or suspensions;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in license reinstatement;

(3) All advertising that is false, fraudulent, or misleading;

(4) Failure to cooperate with the department in the conduct of an investigation by:

(a) Not furnishing any requested papers or documents;

(b) Not furnishing in writing a full and complete explanation regarding the matter under investigation; or

(c) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the subject of the investigation;

(5) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director;

(6) Aiding and abetting an unlicensed person to own or operate a business or to perform when a license is required;

(7) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against any witness to prevent him or her from providing evidence in a disciplinary proceeding or any other legal action;

(8) Violating this chapter or any rule adopted pursuant to this chapter.

NEW SECTION. Sec. 22. (1) The director may investigate complaints under this chapter concerning ownership or operation of a business without a license or performing without a license. In the investigation of the complaints, the director shall have the same

authority as provided the director under section 16 of this act. The director may issue a cease and desist order to a person after notice and hearing and upon a determination that the person has owned or operated a business without a license, or has performed without a license, in violation of this chapter. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order before the notice and hearing. A cease and desist order does not relieve the person so owning or operating a business or performing without a license from criminal prosecution. The remedy of a cease and desist order is in addition to any criminal liability. A cease and desist order is conclusive proof of unlicensed practice and may be enforced through remedial sanctions under chapter 7.21 RCW. Enforcement of the cease and desist order under chapter 7.21 RCW may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(2) The attorney general, a county prosecuting attorney, the department, or any person may, in accordance with the law of this state governing injunctions, maintain an action to enjoin any person owning or operating a business, or performing, without a license required by this chapter from continuing such ownership, operation, or performing until the required license is secured. However, an injunction does not relieve a person from criminal prosecution and the remedy by injunction is in addition to any criminal liability.

NEW SECTION. Sec. 23. A person or business that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, which shall be paid to the department. For the purpose of this section, the superior court issuing any injunction shall retain jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

NEW SECTION. Sec. 24. (1) The director or individuals acting on the director's behalf are immune from suit in any civil or criminal action based on any disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

(2) Legislative authorities of cities, towns, and counties are immune from suit in any civil or criminal action based on any official acts performed in the course of their duties in the administration or enforcement of this chapter.

In any challenge to location, distance, or conduct requirements imposed by the legislative authority of a city, town, or county pursuant to this chapter, the legislative authority may request that the state assume some or all of the obligation to defend the constitutionality of this chapter. The attorney general may grant or deny the request. Nothing in this chapter creates any state liability for actions of a city, town, or county.

NEW SECTION. Sec. 25. Existing adult entertainment businesses are exempt from any location restrictions imposed by this chapter until January 1, 1995.

NEW SECTION. Sec. 26. It is a gross misdemeanor for any person to permit any person under the age of eighteen on the premises of any adult entertainment business under his or her control.

NEW SECTION. Sec. 27. It is a class C felony for any person to employ or permit any person under the age of eighteen to appear nude or seminude on the premises of any adult entertainment business under his or her control.

NEW SECTION. Sec. 28. Sections 1 through 27 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 29. A new section is added to chapter 43.43 RCW to read as follows:

The department of licensing may request information from the Washington state patrol criminal identification system regarding the conviction of offenses listed under

section 21(1) of this act for a license holder who is the subject of an investigation under section 17 of this act.

Sec. 30. RCW 7.48A.040 and 1985 c 235 s 1 are each amended to read as follows:

(1) No person shall with knowledge maintain a moral nuisance.

(2) Upon a determination that a defendant has with knowledge maintained a moral nuisance, the court shall impose a civil fine and judgment of an amount as the court shall determine to be appropriate. In imposing the civil fine, the court shall consider the wilfulness of the defendant's conduct and the profits made by the defendant attributable to the lewd matter, lewdness, or prostitution, whichever is applicable. In no event shall the civil fine exceed the greater of ~~((twenty-five))~~ fifty thousand dollars or these profits.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 32. This act shall take effect January 1, 1992. The department of licensing may take such steps before then, including the adoption of rules, as are necessary to ensure that this act is implemented on January 1, 1992.

On page 1, line 1 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 7.48A.040; adding a new chapter to Title 18 RCW; adding a new section to chapter 43.43 RCW; prescribing penalties; and providing an effective date."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Broback; Forner; Inslee; Mielke; H. Myers; Scott; D. Sommers; Tate; Vance; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher; R. Meyers; and Riley.

Excused: Representatives Hargrove and Locke.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5653 Prime Sponsor, Committee on Ways & Means: Authorizing specialized child care and respite care for children of homeless parents. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that specialized child care services and early childhood education services are needed to meet the needs of homeless children younger than school age to improve their physical, social, medical, and emotional state. These services will prevent later educational and social failures and resulting societal costs. Continuity in child care arrangements is vital for children who are experiencing constant disruption in their living arrangements.

The legislature further finds that homeless parents, in order to achieve independence, need an appropriate place to provide care for their children while they seek or maintain employment, attend treatment, or seek permanent housing.

Sec. 2. RCW 74.15.020 and 1988 c 176 s 912 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Department" means the state department of social and health services;

(2) "Secretary" means the secretary of social and health services;

(3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(d) "Day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(g) "Specialized child care" means an agency that provides all-day child care for homeless children under the age of six;

(h) "Respite child care" means an agency that provides drop-in, custodial child care for homeless children under the age of six.

(4) "Agency" shall not include the following:

(a) Persons related by blood or marriage to the child, expectant mother, or persons with developmental disabilities in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin;

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home;

(d) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(e) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(f) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(j) Facilities approved and certified under chapter 71A.22 RCW;

(k) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(l) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a preplacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(m) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(5) "Requirement" means any rule, regulation or standard of care to be maintained by an agency.

(6) "Homeless" means:

(a) An individual or family that lacks a fixed, regular, and adequate nighttime residence; or

(b) An individual or family that has a primary nighttime residence that is:

(i) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, welfare hotels, domestic violence shelters, congregate shelters, and transitional housing for the mentally ill;

(ii) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(iii) A public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

"Homeless" does not include any individual imprisoned or otherwise detained under federal or state law.

NEW SECTION. Sec. 3. A new section is added to chapter 74.15 RCW to read as follows:

(1) The department shall, within the funds appropriated for this purpose, contract with eligible providers for specialized child care and respite child care for children of homeless parents. The total allocation to providers within a county shall be:

(a) No less than twenty-five thousand dollars per fiscal year in any county that had at least one hundred children under the age of six served in emergency shelters the preceding year as reported by the department of community development; or

(b) No more than ten thousand dollars per fiscal year in any county that had less than one hundred children under the age of six served in emergency shelters the preceding year as reported by the department of community development.

(2) Child care services provided by emergency shelters are subject to department of community development rules on applicant eligibility criteria.

(3) Local funds used for child care services for the homeless that are supplemented by funds provided under this section shall continue to be used for services for homeless children.

(4) The department shall require that specialized child care and respite child care providers coordinate with early childhood education programs funded through the department of community development.

NEW SECTION. Sec. 4. A new section is added to chapter 74.15 RCW to read as follows:

(1) Specialized child care shall be provided by child care centers that specialize in serving homeless children or by the purchase of existing slots in community child care centers or family day care homes. Specialized child care shall be developmentally appropriate for the children served and may include low staff-to-child ratios, counseling, parent support services, health care, transportation, specially trained staff, and appropriate curricula.

(2) Where the provision of specialized child care is not practical, such as in communities with small shelter populations or for families housed in hotels or motels under "voucher" programs as provided in this chapter, respite child care may be provided by licensed child care providers.

NEW SECTION. Sec. 5. The sum of two million six hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1993, to carry out the purposes of this act.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On page 1, line 2 of the title, after "violence;" strike the remainder of the title and insert "amending RCW 74.15.020; adding new sections to chapter 74.15 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency."

Signed by Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Referred to Committee on Appropriations.

April 4, 1991

SB 5661 Prime Sponsor, Senator McDonald: Adding a business and occupation tax deduction. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

In computing tax there may be deducted from the measure of tax amounts received by a nonprofit corporation, organized under chapter 24.03 RCW, as payments or contributions from the United States or any instrumentality thereof, the state, or any county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision of the state for the promotion of conventions, tourism, or economic development.

NEW SECTION. Sec. 2. This act applies both prospectively and retrospectively. Retrospective application of this act shall not result in a refund of taxes collected prior

to the effective date of this act, but shall terminate uncollected tax liabilities for payments or contributions described under section 1 of this act.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 2 of the title, after "entities;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; and creating a new section."

Signed by Representatives Cantwell, Chair; Sheldon, Vice Chair; Forner, Ranking Minority Member; Betrozoff, Assistant Ranking Minority Member; Ferguson; Kremen; Ludwig; Moyer; Rasmussen; Riley; and Roland.

Excused: Representative Ludwig.

Referred to Committee on Revenue.

April 2, 1991

SSB 5669 Prime Sponsor, Committee on Health & Long-Term Care:
Establishing housing trust fund priorities for projects submitted by regional support networks. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.185.060 and 1986 c 298 s 7 are each amended to read as follows:

Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, regional support networks established under chapter 71.24 RCW, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations.

Sec. 2. RCW 43.185.070 and 1988 c 286 s 1 are each amended to read as follows:

(1) During each calendar year in which funds are available for use by the department from the housing trust fund, as prescribed in RCW 43.185.030, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources, but at least twice annually. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department (~~(, not to)~~). Administrative costs paid out of the housing trust fund may not exceed ((thirty seven thousand five hundred dollars in the fiscal year ending June 30, 1988, and seventy five thousand dollars in the fiscal year ending June 30, 1989, and not to exceed)) five percent of annual revenues ((to the fund thereafter)) available for distribution to housing trust fund projects. In awarding funds under this chapter, the department shall provide for a geographic distribution on a state-wide basis.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing publicly owned housing stock. Such projects and activities shall be evaluated under subsection (3) of this section.

(3) The department shall give preference for applications based on some or all of the ((following)) criteria under this subsection, and similar projects and activities shall be evaluated under the same criteria:

- (a) The degree of leveraging of other funds that will occur;
- (b) The degree of commitment from programs to provide necessary habilitation and support services for projects focusing on special needs populations;
- (c) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;
- ~~((e))~~ (d) Local government project contributions in the form of infrastructure improvements, and others;
- ~~((d))~~ (e) Projects that encourage ownership, management, and other project-related responsibility opportunities;
- ~~((e))~~ (f) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least ~~((fifteen))~~ twenty-five years;
- ~~((f))~~ (g) The applicant has the demonstrated ability, stability and resources to implement the project;
- ~~((g))~~ (h) Projects which demonstrate serving the greatest need; ~~((and~~
- ~~((h))~~ (i) Projects that provide housing for persons and families with the lowest incomes;
- (j) Projects serving special needs populations which are under statutory mandate to develop community housing;
- (k) Project location and access to employment centers in the region or area; and
- (l) Project location and access to available public transportation services.
- (4) The department shall only approve applications for projects for mentally ill persons that are consistent with a regional support network six-year capital and operating plan.

Sec. 3. RCW 71.24.300 and 1989 c 205 s 5 are each amended to read as follows:

A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network. The roles and responsibilities of county authorities shall be determined by the terms of that agreement and the provisions of law. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(1) Regional support networks shall within three months of recognition submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties by July 1, 1995, instead of those presently assigned to counties under RCW 71.24.045(1):

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) By July 1, 1993, provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other networks. For regional support

networks that are created after June 30, 1991, the requirements of (c) of this subsection must be met by July 1, 1995.

(d) By July 1, 1993, administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of mentally ill offenders, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section. For regional support networks that are created after June 30, 1991, the requirements of (d) of this subsection must be met by July 1, 1995.

(e) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, and mental health services to children as provided in this chapter.

(f) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(2) Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.

(3) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(4) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter. The composition of the board shall be broadly representative of the demographic character of the region and the mentally ill persons served therein. Length of terms of board members shall be determined by the regional support network.

(5) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

(6) Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(7). The office of financial management shall consider information gathered in studies required in this chapter and information about the experience of other states to propose a mental health services administrative cost lid to the 1991 legislature which shall include administrative costs of licensed service providers, the state psychiatric hospitals and the department.

(7) The first regional support network contract may include a pilot project to: Establish standards and procedures for (a) making referrals for comprehensive medical examinations and treatment programs for those whose mental illness is caused or exacerbated by organic disease, and (b) training staff in recognizing the relationship between mental illness and organic disease.

(8) Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection (1) of this section.

On page 1, line 2 of the title, after "networks;" strike the remainder of the title and insert "amending RCW 43.185.060, 43.185.070, and 71.24.300."

Signed by Representatives Nelson, Chair; Franklin, Vice Chair; Mitchell, Ranking Minority Member; Winsley, Assistant Ranking Minority Member; Ballard; Leonard; Ogden; and Wineberry.

Excused: Representative Nelson, Chair.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5670 Prime Sponsor, Committee on Health & Long-Term Care: Changing provisions relating to children's mental health. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 71.24.015 and 1989 c 205 s 1 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide for:

(1) Access to mental health services for adults (~~and children~~) of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed (~~(-or chronically mentally ill)~~) and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. It is also the purpose of this chapter to (~~ensure that~~) promote the early identification of mentally ill children (in need of mental health care and treatment) and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and ((to)) should enable treatment decisions to be made in response to clinical needs ((and)) in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of services through state-wide standards for monitoring and reporting of information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to

encourage the development of county-based and county-managed mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

Sec. 2. RCW 71.24.025 and 1989 c 205 s 2 are each amended to read as follows:

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

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020(2) or, in the case of a child, as defined in RCW 71.34.020(12);

(b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020(11).

(2) "Available resources" means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under RCW 71.24.045. When regional support networks are established or after July 1, 1995, "available resources" means federal funds, except those provided according to Title XIX of the social security act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)(d).

(3) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.88 RCW.

(4) "Child" means a person under the age of eighteen years.

(5) "Chronically mentally ill (~~(person)~~ adult" means (~~(a child or)~~ an adult who has a mental disorder (~~(, in the case of a child as defined by chapter 71.34 RCW,)~~) and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years (~~(or, in the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements are related to a mental disorder, as defined in chapter 71.34 RCW, and where the placements progress toward a more restrictive setting. Placements by the department include but are not limited to placements by child protective services and child welfare services)); or~~

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with

Public Law 92-603, as amended (~~and shall include school attendance in the case of a child; or~~).

~~(d) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect).~~

(6) "Severely emotionally disturbed child" means an infant or child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(7) "Community mental health program" means all mental health services established by a county authority. After July 1, 1995, or when the regional support networks are established, "community mental health program" means all activities or programs using available resources.

~~((7))~~ (8) "Community support services" means services for acutely ~~(and) mentally ill persons, chronically mentally ill ((persons)) adults, and severely emotionally disturbed children~~ and includes: (a) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (b) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (c) medication monitoring. After July 1, 1995, or when regional support networks are established, for adults and children "community support services" means services authorized, planned, and coordinated through resource management services including, at least, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, other services determined by regional support networks, and maintenance of a patient tracking system for chronically mentally ill ~~((persons)) adults and severely emotionally disturbed children.~~

~~((8))~~ (9) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health

program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

~~((9))~~ (10) "Department" means the department of social and health services.

~~((40))~~ (11) "Mental health services" means community services pursuant to RCW 71.24.035(5)(b) and other services provided by the state for the mentally ill. When regional support networks are established, or after July 1, 1995, "mental health services" shall include all services provided by regional support networks.

~~((41))~~ (12) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (5), (6), and ~~((45))~~ (16) of this section.

~~((42))~~ (13) "Regional support network" means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary pursuant to this chapter.

~~((43))~~ (14) "Residential services" means a facility or distinct part thereof which provides food and shelter, and may include treatment services.

When regional support networks are established, or after July 1, 1995, for adults and children "residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill ~~((persons))~~ adults, severely emotionally disturbed children, or seriously disturbed ~~((persons))~~ adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((44))~~ (15) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for acutely mentally ill adults and children, chronically mentally ill adults ~~((and children))~~, severely emotionally disturbed children, or seriously disturbed adults ~~((and children))~~ determined by the regional support network at their sole discretion to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven days a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((45))~~ (16) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to oneself or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((46))~~ (17) "Secretary" means the secretary of social and health services.

((47)) (18) "State minimum standards" means: (a) Minimum requirements for delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to licensing service providers and services; (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter 34.05 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service; and the rights and responsibilities of persons receiving mental health services pursuant to this chapter; (c) minimum requirements for residential services as established by the department in rule based on clients' functional abilities and not solely on their diagnoses, limited to health and safety, staff qualifications, and program outcomes. Minimum requirements for residential services are those developed in collaboration with consumers, families, counties, regulators, and residential providers serving the mentally ill. Minimum requirements encourage the development of broad-range residential programs, including integrated housing and cross-systems programs where appropriate, and do not unnecessarily restrict programming flexibility; and (d) minimum standards for community support services and resource management services, including at least qualifications for resource management services, client tracking systems, and the transfer of patient information between service providers.

Sec. 3. RCW 71.24.035 and 1990 1st ex.s. c 8 s 1 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) ~~((the))~~ chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Consultation and education services; and

(F) Community support services;

(c) Develop and promulgate rules establishing state minimum standards for the delivery of mental health services including, but not limited to:

- (i) Licensed service providers;
 - (ii) Regional support networks; and
 - (iii) Residential and inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;
- (d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;
- (e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;
- (f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;
- (g) Develop and maintain an information system to be used by the state, counties, and regional support networks when they are established which shall include a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440. The system shall be fully operational no later than January 1, 1993: PROVIDED, HOWEVER, That when a regional support network is established, the department shall have an operational interim tracking system for that network that will be adequate for the regional support network to perform its required duties under this chapter;
- (h) License service providers who meet state minimum standards;
 - (i) Certify regional support networks that meet state minimum standards;
 - (j) Periodically inspect certified regional support networks and licensed service providers at reasonable times and in a reasonable manner; and
 - (k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;
 - (l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;
 - (m) Prior to September 1, 1989, adopt such rules as are necessary to implement the department's responsibilities under this chapter pursuant to chapter 34.05 RCW: PROVIDED, That such rules shall be submitted to the appropriate committees of the legislature for review and comment prior to adoption; and
 - (n) Beginning July 1, 1989, and continuing through July 1, 1993, track by region and county the use and cost of state hospital and local evaluation and treatment facilities for seventy-two hour detention, fourteen, ninety, and one hundred eighty day commitments pursuant to chapter 71.05 RCW, voluntary care in state hospitals, and voluntary community inpatient care covered by the medical assistance program. Service use and cost reports shall be provided to regions in a timely fashion at six-month intervals.
- (6) The secretary shall use available resources appropriated specifically for community mental health programs only for programs under RCW 71.24.045. After July 1, 1995, or when regional support networks are established, available resources may be used only for regional support networks.
- (7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to the law, applicable rules and regulations, or applicable standards, or failure to meet the minimum standards established pursuant to this section.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) The secretary shall adopt such rules as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to certification and licensing and other action relevant to certifying regional support networks and licensing service providers.

(12) Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the manner provided by law, upon the advice of the attorney general who shall represent the secretary in the proceedings, maintain an action in the name of the state for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(13) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapter 71.05 RCW, and shall otherwise assure the effectuation of the purposes and intent of this chapter and chapter 71.05 RCW.

(14)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed, and seriously disturbed as defined in chapter 71.24 RCW. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as defined in subsection (15) of this section. These factors shall include the population concentrations resulting from commitments under the involuntary treatment act, chapter 71.05 RCW, to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The department shall submit a proposed distribution formula in accordance with this section to the ways and means and health ~~((care and corrections))~~ and long-term care committees of the senate and to the ways and means and human services committees of the house of representatives by October 1, ~~((1989))~~ 1991. The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(15) To supersede duties assigned under subsection (5) (a) and (b) of this section, and to assure a county-based, integrated system of care for acutely mentally ill adults and children, chronically mentally ill adults ~~((and children))~~, severely emotionally disturbed children, and seriously disturbed adults and children who are determined by regional support networks at their sole discretion to be at risk of becoming acutely or chronically mentally ill, or severely emotionally disturbed, the secretary shall encourage the development of regional support networks as follows:

By December 1, 1989, the secretary shall recognize regional support networks requested by counties or groups of counties.

All counties wishing to be recognized as a regional support network on December 1, 1989, shall submit their intentions regarding participation in the regional support networks by October 30, 1989, along with preliminary plans. Counties wishing to be recognized as a regional support network by January 1 of any year thereafter shall submit their intentions by October 30 of the previous year along with preliminary plans. The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05 and 71.24 RCW on July 1, 1995. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The implementation of regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(16) The secretary shall:

(a) Disburse the first funds for the regional support networks that are ready to begin implementation by January 1, 1990, or within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks to begin implementation between January 1, 1990, and March 1, 1990, and complete implementation by June 1995. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) By July 1, 1993, allocate one hundred percent of available resources to regional support networks created by January 1, 1990, in a single grant. Regional support networks created by January 1, 1991, shall receive a single block grant by July 1, 1993; regional support networks created by January 1, 1992, shall receive a single block grant by July 1, 1994; and regional support networks created by January 1, 1993, shall receive a single block grant by July 1, 1995. The grants shall include funds currently provided for all residential services, all services pursuant to chapter 71.05 RCW, and all community support services and shall be distributed in accordance with a formula submitted to the legislature by January 1, 1993, in accordance with subsection (14) of this section.

(d) By January 1, 1990, allocate available resources to regional support networks for community support services, resource management services, and residential services excluding evaluation and treatment facilities provided pursuant to chapter 71.05 RCW in a single grant using the distribution formula established in subsection (14) of this section.

(e) By March 1, 1990, or within sixty days of approval of the contract continuing through July 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. For regional support networks created by January 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW through July 1, 1995.

(f) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(g) ~~(Study and report to the legislature by December 1, 1989, on expanding the use of federal Title XIX funds and the definition of institutions for mental diseases to provide~~

~~services to persons who are acutely mentally ill, chronically mentally ill, or at risk of becoming so. The study shall also include an assessment of the impact of Title XIX funds and the definition of institutions for mental diseases on the use of state funds to provide needed mental health services to the chronically mentally ill.~~

~~(h))~~ Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

~~((i))~~ (h) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.

~~((j))~~ (i) Contract to provide or, if requested, make grants to counties to provide technical assistance to county authorities or groups of county authorities to develop regional support networks.

(17) The department of social and health services, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the health care and corrections committee of the senate and the human services committee of the house of representatives.

(18) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health. The task force shall report back to the appropriate committees of the legislature by January 1, 1990.

NEW SECTION. Sec. 4. The department shall amend the Title XIX medicaid state plan for services provided to children through the early and periodic screening, diagnosis, and treatment program to:

(1) Authorize regional support networks as exclusive agents of the state to certify mental health screening providers;

(2) Develop, in consultation with regional support networks and private practitioners, criteria for use by providers under the early and periodic screening, diagnosis, and treatment program to identify children with mental disorders eligible for referral to further evaluation, diagnosis, and treatment planning;

(3) Require prior authorization and utilization review for residential and inpatient services, including inpatient acute hospitalizations and evaluation and treatment facilities as defined in RCW 71.34.020; and

(4) Provide reimbursement for specialized family, home, school, and community-based mental health services or programs designed to promote primary prevention and maximize the development and potential of acutely mentally ill and severely emotionally disturbed children and their families.

Sec. 5. RCW 71.24.045 and 1989 c 205 s 4 are each amended to read as follows:
The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents including children and other underserved populations who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed, or seriously disturbed. The county program shall provide:

(a) Outpatient services;

(b) Emergency care services for twenty-four hours per day;

(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Consultation and education services;

(f) Residential and inpatient services, if the county chooses to provide such optional services; and

(g) Community support services.

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective.

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of service delivery as established by the department;

(5) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is equal to or greater than that of a county of the first class may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

NEW SECTION. Sec. 6. RCW 71.24.800 and 1987 c 439 s 4 are each repealed.

NEW SECTION. Sec. 7. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the

operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

However, if any part of this act conflicts with such federal requirements, the state appropriation for mental health services provided to children whose mental disorders are discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program shall be provided through the division of medical assistance and no state funds appropriated to the division of mental health shall be expended or transferred for this purpose.

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.24.015, 71.24.025, 71.24.035, and 71.24.045; creating new sections; and repealing RCW 71.24.800."

Signed by Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Passed to Committee on Rules for second reading.

April 3, 1991

ESSB 5672 Prime Sponsor, Committee on Health & Long-Term Care: Changing provisions relating to antipsychotic medication. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:
On page 7, line 30, after "order" insert "pursuant to section 1(2) of this act or"
On page 8, line 16, after "held;" strike ")))"

Signed by Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; Franklin; Paris; Prentice; and Sprengle.

Passed to Committee on Rules for second reading.

April 5, 1991

SB 5675 Prime Sponsor, Senator Metcalf: Requiring a restoration plan for Skagit river salmon. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:
NEW SECTION. Sec. 1. The legislature finds that some stocks of Skagit river salmon are declining, and that no recovery plan exists for these stocks. The legislature declares that the recovery and enhancement of Skagit river salmon should receive high priority since the status of these stocks affects the ocean fishery as well as the fishery on the Skagit river. The legislature further finds that dislocated timber workers represent a potential work force to conduct salmon enhancement projects, if adequate training is provided in the area of fish management to these dislocated workers, and if sufficient coordination exists between potential employers and employees.

NEW SECTION. Sec. 2. The director of fisheries shall prepare a salmon recovery plan for the Skagit river. The plan shall incorporate the best available technology in order to achieve maximum restoration of depressed salmon stocks. The utilization of salmon hatchery programs must be an important component of the recovery plan. The plan must encourage the restoration of natural spawning areas and natural rearing of salmon but must not preclude the development of an active hatchery program.

NEW SECTION. Sec. 3. The director shall present the recovery plan to the legislature on or before December 31, 1991. The plan shall include funding requirements for salmon hatchery programs and natural spawning programs.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Dislocated timber worker" means any individual who:

(a) Has been terminated or received a notice of termination from employment in a timber-related occupation within standard industrial code 024; and

(b) At the time of last separation from employment, resided in or was employed in a timber-dependent community.

(2) "College" means Skagit Valley Community College.

(3) "Local development agency" means the economic development association of Skagit county.

NEW SECTION. Sec. 5. A pilot project shall be established, coordinated jointly by the department and the college, in Skagit county. The pilot project created in this section is subject to the department and the college acquiring funds for the pilot project from federal, state, or private sources. The project shall be of five years duration.

NEW SECTION. Sec. 6. The college shall develop a training program designed for dislocated timber workers and their spouses, and in doing so, shall:

(1) Consult with, at a minimum, the departments of natural resources, ecology, wildlife, and fisheries, the parks and recreation commission, and other state, federal, local, and private employers in Skagit county to determine minimum employment qualifications in the areas of natural resource management and enhancement of the Skagit river salmon; and

(2) Develop a program that will provide needed educational skills to dislocated timber workers and their spouses.

NEW SECTION. Sec. 7. The employment security department shall contract with the local development agency to coordinate with the college and the departments of wildlife, ecology, natural resources, and fisheries, the parks and recreation commission, and other state, federal, local, and private employers in assisting dislocated timber workers and their spouses in securing education and employment in the natural resource professions. The local development agency shall also provide information on the training program established under section 6 of this act.

NEW SECTION. Sec. 8. The employment security department and the college shall jointly report to the legislature on their progress by November 1 of each year, beginning in 1991 and ending November 1, 1996. This report shall include a college program description, numbers of students, numbers of referrals for existing positions by the local development agency, and numbers of positions filled by dislocated timber workers.

NEW SECTION. Sec. 9. The employment security department, subject to the availability of funding under section 10 of this act or an appropriation from the general fund, shall establish the pilot natural resource worker project. The project shall be located in Skagit county, shall terminate on July 1, 1996, and shall provide employment and training opportunities for dislocated timber workers in the areas of fisheries, wildlife, recreation, and other natural resource professions. The department of personnel shall approve the project. The goal of the project is to allow project employees to be, upon termination of their participation in the project, eligible for permanent employment

relating to enhancement of Skagit river salmon with the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission.

NEW SECTION. Sec. 10. The employment security department shall use federal funds that it receives for dislocated timber workers to contract with the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission to hire natural resource worker project participants to conduct tasks in the areas of fisheries, wildlife, forestry, ecology, and recreation, particularly in the area of Skagit river salmon enhancement.

NEW SECTION. Sec. 11. The natural resource worker project shall include the following elements:

- (1) Recruitment of dislocated timber workers;
- (2) Placement in the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission;
- (3) On-the-job training in entry-level natural resource management skills;
- (4) Comparable salaries and benefits to entry-level positions already existing in the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission.

NEW SECTION. Sec. 12. The employment security department, along with the departments of personnel, wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission shall report annually to the legislature on November 1 of each year beginning November 1, 1992, and until November 1, 1995, on the natural resource worker project.

The report shall include, at a minimum, the following elements:

- (1) The number of project employees;
- (2) The number and description of positions filled, by agency;
- (3) Training received;
- (4) Duration of employment; and
- (5) Placement in permanent positions.

NEW SECTION. Sec. 13. This act shall expire January 1, 1997.

NEW SECTION. Sec. 14. Sections 4 through 13 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 15, 1991.

On page 1, line 1 of the title, after "salmon;" strike the remainder of the title and insert "adding a new chapter to Title 50 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency."

Signed by Representatives R. King, Chair; Morris, Vice Chair; Wilson, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Basich; Cole; Haugen; Hochstatter; Orr; Padden; and Spanel.

Referred to Committee on Appropriations.

April 2, 1991

SB 5678 Prime Sponsor, Senator Thorsness: Creating Washington national guard day. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 5, strike all of section 2 and insert the following:
Sec. 2. RCW 1.16.050 and 1989 c 128 s 1 are each amended to read as follows:

The following are legal holidays: Sunday; the first day of January, commonly called New Year's Day; the third Monday of January, being celebrated as the anniversary of the birth of Martin Luther King, Jr.; the third Monday of February to be known as Presidents' Day and to be celebrated as the anniversary of the births of Abraham Lincoln and George Washington; the last Monday of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the eleventh day of November, to be known as Veterans' Day; the fourth Thursday in November, to be known as Thanksgiving Day; the day immediately following Thanksgiving Day; and the twenty-fifth day of December, commonly called Christmas Day.

Employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, shall be entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for herein after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

If any of the above specified state legal holidays are also federal legal holidays but observed on different dates, only the state legal holidays shall be recognized as a paid legal holiday for employees of the state and its political subdivisions except that for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday, but in no case both, may be recognized as a paid legal holiday for employees.

Whenever any legal holiday, other than Sunday, falls upon a Sunday, the following Monday shall be the legal holiday.

Whenever any legal holiday falls upon a Saturday, the preceding Friday shall be the legal holiday.

Nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

The legislature declares that the twelfth day of October shall be recognized as Columbus Day but shall not be considered a legal holiday for any purposes.

The legislature declares that the ninth day of April shall be recognized as former prisoner of war recognition day but shall not be considered a legal holiday for any purposes.

The legislature declares that the twenty-sixth day of January shall be recognized as Washington army and air national guard day but shall not be considered a legal holiday for any purposes.

On page 1, line 2 of the title, strike "adding a new section to chapter 1.20 RCW" and insert "amending RCW 1.16.050"

Signed by Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

Passed to Committee on Rules for second reading.

April 4, 1991

SB 5684 Prime Sponsor, Senator West: Requiring certain nonresident pharmacies to be licensed. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 13, after "manner," insert "except when delivered in person to an individual,"

On page 5, line 15, after "manner," insert "except when delivered in person to an individual,"

On page 6, line 3, after "manner," insert "except when delivered in person to an enrolled participant or his/her representative,"

On page 6, line 25, after "manner," insert "except when delivered in person to an enrolled participant or his/her representative,"

On page 7, line 18, after "manner," insert "except when delivered in person to an enrolled participant or his/her representative,"

On page 8, line 12, after "manner," insert "except when delivered in person to an enrolled participant or his/her representative,"

On page 8, line 14, after "organization" strike "contractor"

Signed by Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; Franklin; Morris; Paris; Prentice; and Sprenkle.

Excused: Representative Paris.

Passed to Committee on Rules for second reading.

April 5, 1991

ESB 5704 Prime Sponsor, Senator Owen: Ensuring that local governments have a flood control plan. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 86.16.025 and 1989 c 64 s 2 are each amended to read as follows:

With respect to such features as may affect flood conditions, the department shall have authority to examine, approve or reject designs and plans for any structure or works, public or private, to be erected or built or to be reconstructed or modified upon the banks or in or over the channel or over and across the floodway of any stream or body of water in this state. If a county, or an incorporated city or town, within which a flood plain exists, fails to adopt by October 31, 1991, a flood plain management ordinance that meets the minimum requirements of the national flood insurance program, the department shall adopt by rule a flood plain management ordinance for that entity that meets the minimum federal requirements.

NEW SECTION. Sec. 2. The department of community development shall convene a state flood damage reduction commission composed of twenty-two members as follows: (1) Four members of the senate, two from each of the major caucuses, who are appointed by the president of the senate; (2) four members of the house of representatives, two from each of the major caucuses, who are appointed by the speaker of the house of representatives; (3) the director of the department of community development, or the director's designee, who shall act as chair of the commission; (4) the

director of the department of fisheries, or the director's designee; (5) the director of the department of wildlife, or the director's designee; (6) the director of the department of agriculture, or the director's designee; (7) the director of the department of ecology, or the director's designee; (8) the director of the department of transportation, or the director's designee; (9) the commissioner of public lands, or the commissioner's designee; (10) the director of the parks and recreation commission, or the director's designee; (11) four persons appointed by the governor representing counties within which significant flood control improvements have been constructed; and (12) two persons appointed by the governor representing conservation districts and special districts that provide flood control improvements.

The commission may seek assistance from appropriate federal agencies, including the United States army corps of engineers. The department of community development shall provide staff for the commission and pay the expenses of commission members who are appointed by the governor. The expenses of the legislative members shall be paid by the legislature. The expenses of the state agency officials, or their designees, shall be paid by their state agencies.

NEW SECTION. Sec. 3. The state flood damage reduction commission shall consider the development of comprehensive state flood policies and a comprehensive and coordinated flood damage reduction plan, including the following elements:

- (1) Structural and nonstructural flood damage reduction projects;
- (2) Forest practice effects on watershed hydraulics, including: (a) Percentage of watershed clearcut; (b) logging in very steep areas; and (c) logging in slide-prone areas;
- (3) Growth management and land uses, including: (a) Flood plain development patterns; (b) loss of potential natural flood water storage areas; (c) future development restrictions in flood-prone areas; and (d) coordination with the state's growth management act and county flood comprehensive planning;
- (4) Comprehensive watershed and flood damage management;
- (5) Storm water runoff pattern alterations and accompanying liabilities;
- (6) Analysis of the federal, state, and local permitting requirements necessary for projects designed to reduce future flood damage or to restore areas damaged by floods, including any conflicting requirements that may exist;
- (7) Emergency work and coordination, and emergency preparedness planning;
- (8) Determination of the need for requirements to disclose the flood hazard to purchasers or renters of flood-prone property;
- (9) The role of dredging in flood damage reduction, including environmental effects, funding sources, and upstream uses that alter its effectiveness;
- (10) The role of dikes and levees in flood damage reduction, including environmental effects, construction and maintenance standards, sources of funding for construction and maintenance, and resultant upstream and downstream hydrologic effects;
- (11) Review criteria for evaluating and approving local plans and projects funded by grants from the flood control account; and
- (12) Public acquisition of properties to reduce flood damage.

NEW SECTION. Sec. 4. The state flood reduction commission shall report to the legislature on or before December 31, 1991. The report shall include the following: (1) Findings relating to a state flood damage reduction plan; (2) commitments to implement the plan; (3) recommended state agency regulation and policy changes; (4) proposed legislation and associated costs to implement the state flood damage reduction plan; and (5) recommended local flood reduction and mitigation measures.

NEW SECTION. Sec. 5. The purposes of sections 6 through 15 of this act are to permit counties to adopt a comprehensive system of flood control management and protection within drainage basins and to coordinate the flood control activities of the state, counties, cities, towns, and special districts within such drainage basins.

NEW SECTION. Sec. 6. A new section is added to chapter 86.12 RCW to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a cost/benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; and (e) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; and

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood control insurance program that have been adopted by the department of ecology for a specific flood plain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to flood plain management activities. When a county plans under chapter 36.70A RCW, it may incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 86.12 RCW to read as follows:

A comprehensive flood control management plan that includes an area within which a city or town, or a special district subject to chapter 85.38 RCW, is located shall be developed by the county with the participation of officials from the city, town, or special district, including conservation districts, and appropriate state and federal agencies. Where a comprehensive flood control management plan is being prepared for a river that is part of the common boundary between two counties, the county legislative authority of the county preparing the plan may allow participation by officials of the adjacently located county.

A comprehensive flood control management plan shall be binding on each city, town, and special district that is located within an area included in the plan, except that the land use regulations and restrictions on construction activities contained in a

comprehensive flood control management plan applicable to a city or town shall be minimum standards that the city or town may exceed.

NEW SECTION. Sec. 8. A new section is added to chapter 86.12 RCW to read as follows:

A county may create one or more advisory committees to assist in the development of proposed comprehensive flood control management plans and to provide general advice on flood problems. The advisory committees may include city and town officials, officials of special districts subject to chapter 85.38 RCW, conservation districts, appropriate state and federal officials, and officials of other counties and other interested persons.

Sec. 9. RCW 86.26.050 and 1988 c 36 s 64 are each amended to read as follows:

(1) State participation shall be in such preparation of comprehensive flood control management plans under this chapter and chapter 86.12 RCW, cost sharing feasibility studies for new flood control projects, and flood control maintenance projects as are affected with a general public and state interest, as differentiated from a private interest, and as are likely to bring about public benefits commensurate with the amount of state funds allocated thereto.

(2) No participation for flood control maintenance projects may occur with a county or other municipal corporation unless the director of ecology has approved the flood plain management activities of the county, city, or town having planning jurisdiction over the area where the flood control maintenance project will be, on the one hundred year flood plain surrounding such area.

The department of ecology shall adopt rules concerning the flood plain management activities of a county, city, or town that are adequate to protect or preclude flood damage to structures, works, and improvements, including the restriction of land uses within a river's meander belt or floodway to only flood-compatible uses. Whenever the department has approved county, city, and town flood plain management activities, as a condition of receiving an allocation of funds under this chapter, each revision to the flood plain management activities must be approved by the department of ecology, in consultation with the department of fisheries and the department of wildlife.

No participation with a county or other municipal corporation for flood control maintenance projects may occur unless the county engineer of the county within which the flood control maintenance project is located certifies that a comprehensive flood control management plan has been completed and adopted by the appropriate local authority, or is being prepared for all portions of the river basin or other area, within which the project is located in that county, that are subject to flooding with a frequency of one hundred years or less.

(3) Participation for flood control maintenance projects and preparation of comprehensive flood control management plans shall be made from grants made by the department of ecology from the flood control assistance account. Comprehensive flood control management plans, and any revisions to the plans, must be approved by the department of ecology, in consultation with the department of fisheries and the department of wildlife. The department may only grant financial assistance to local governments that, in the opinion of the department, are making good faith efforts to take advantage of, or comply with, federal and state flood control programs.

Sec. 10. RCW 86.26.090 and 1984 c 212 s 7 are each amended to read as follows:

The state shall participate with eligible local authorities in maintaining and restoring the normal and reasonably stable river and stream channel alignment and the normal and reasonably stable river and stream channel capacity for carrying off flood waters with a minimum of damage from bank erosion or overflow of adjacent lands and property; and in restoring, maintaining and repairing natural conditions, works and structures for the maintenance of such conditions. State participation in the repair of flood control facilities may include the enhancement of such facilities. The state shall likewise participate in the

restoration and maintenance of natural conditions, works or structures for the protection of lands and other property from inundation or other damage by the sea or other bodies of water. Funds from the flood control assistance account shall not be available for maintenance of works or structures maintained solely for the detention or storage of flood waters.

Sec. 11. RCW 86.26.100 and 1986 c 46 s 4 are each amended to read as follows:

State participation in the cost of any flood control maintenance project shall be provided for by a written memorandum agreement between the director of ecology and the legislative authority of the county submitting the request, which agreement, among other things, shall state the estimated cost and the percentage thereof to be borne by the state. In no instance, except on emergency projects, shall the state's share exceed one-half the cost of the project, to include project planning and design. Grants for cost sharing feasibility studies for new flood control projects shall not exceed fifty percent of the matching funds that are required by the federal government, and shall not exceed twenty-five percent of the total costs of the feasibility study. However, grants to prepare a comprehensive flood control management plan required under RCW 86.26.050 shall not exceed seventy-five percent of the full planning costs, but not to exceed amounts for either purpose specified in rule and regulation by the department of ecology.

NEW SECTION. Sec. 12. A new section is added to chapter 86.15 RCW to read as follows:

A board may not establish a zone including an area located in another zone unless this area is removed from the other zone, or the other zone is dissolved, as part of the action creating the new zone.

Sec. 13. RCW 86.15.178 and 1983 c 315 s 23 and 1983 c 167 s 212 are each reenacted to read as follows:

(1) The supervisors may authorize the issuance of revenue bonds to finance any flood control improvement or storm water control improvement. The bonds may be issued by the supervisors in the same manner as prescribed in RCW 36.67.510 through 36.67.570 pertaining to counties. The bonds shall be issued on behalf of the zone or participating zones when the improvement has by the resolution, provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones. The bonds may be in any form, including bearer bonds or registered bonds.

Each revenue bond shall state on its face that it is payable from a special fund, naming the fund and the resolution creating the fund.

Revenue bond principal, interest, and all other related necessary expenses shall be payable only out of the appropriate special fund.

A zone or participating zones shall have a lien for delinquent service charges, including interest thereon, against the premises benefited by a flood control improvement or storm water control improvement, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. The lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 14. RCW 86.16.110 and 1987 c 109 s 23 are each reenacted and amended to read as follows:

Any person, association, or corporation, public, municipal, or private, feeling aggrieved at any order, decision, or determination of the department or director pursuant to this chapter, affecting his or her interest, may have the same reviewed pursuant to RCW 43.21B.310.

NEW SECTION. Sec. 15. The department of fisheries and the department of wildlife shall process hydraulic project applications submitted under RCW 75.20.100 or 75.20.103 within thirty days of receipt of the application. This requirement is only

applicable for the repair and reconstruction of legally constructed dikes, seawalls, and other flood control structures damaged as a result of flooding or windstorms which occurred in November and December 1990.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

- (1) RCW 86.15.040 and 1961 c 153 s 4;
- (2) RCW 86.16.027 and 1987 c 109 s 51 & 1935 c 159 s 9;
- (3) RCW 86.16.030 and 1987 c 109 s 52 & 1935 c 159 s 5;
- (4) RCW 86.16.040 and 1987 c 109 s 54 & 1935 c 159 s 11;
- (5) RCW 86.16.060 and 1987 c 109 s 55 & 1935 c 159 s 13;
- (6) RCW 86.16.065 and 1987 c 109 s 56 & 1935 c 159 s 14;
- (7) RCW 86.16.067 and 1987 c 109 s 57, 1985 c 469 s 86, & 1935 c 159 s 15;
- (8) RCW 86.16.070 and 1987 c 109 s 58 & 1935 c 159 s 16;
- (9) RCW 86.16.080 and 1987 c 109 s 59 & 1935 c 159 s 10;
- (10) RCW 86.16.090 and 1987 c 109 s 60, 1939 c 85 s 2, & 1935 c 159 s 7; and
- (11) RCW 86.16.170 and 1987 c 109 s 62 & 1973 c 75 s 3.

On page 1, line 1 of the title, after "planning;" strike the remainder of the title and insert "amending RCW 86.16.025, 86.26.050, 86.26.090, and 86.26.100; reenacting and amending RCW 86.16.110; reenacting RCW 86.15.178; adding new sections to chapter 86.12 RCW; adding a new section to chapter 86.15 RCW; creating new sections; and repealing RCW 86.15.040, 86.16.027, 86.16.030, 86.16.040, 86.16.060, 86.16.065, 86.16.067, 86.16.070, 86.16.080, 86.16.090, and 86.16.170."

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Passed to Committee on Rules for second reading.

April 2, 1991

SB 5718 Prime Sponsor, Senator Owen: Establishing purple heart recipient recognition day. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

Passed to Committee on Rules for second reading.

April 4, 1991

SB 5722 Prime Sponsor, Senator Oke: Providing a department-wide interest policy for the department of natural resources. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Hargrove; Morton; Riley; Sheldon; and Wynne.

Passed to Committee on Rules for second reading.

April 5, 1991

SB 5731 Prime Sponsor, Senator West: Allowing public facilities districts to impose excise tax. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Cantwell, Chair; Sheldon, Vice Chair; Forner, Ranking Minority Member; Betrozoff, Assistant Ranking Minority Member; Ferguson; Kremen; Ludwig; Moyer; Rasmussen; Riley; and Roland.

Referred to Committee on Revenue.

April 2, 1991

ESB 5745 Prime Sponsor, Senator Moore: Clarifying licensing requirements for special amusement games. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 2, after "RCW 9.46.120(2)" strike "." and insert "; or"

On page 3, after line 2, insert:

"(h) A location that possesses a valid license from the Washington state liquor board and prohibits minors on their premises; or

(i) Movie theaters, bowling alleys, miniature golf course facilities, and amusement centers. For the purposes of this section an amusement center shall be defined as a permanent location whose primary source of income is from the operation of 10 or more amusement devices; or

(j) Any business whose primary activity is to provide food service for on premises consumption and who offers family entertainment which includes at least three of the following activities: amusement devices; theatrical productions; mechanical rides; motion pictures; and slide show presentations."

On page 3, after line 21, insert:

"(5) In no event may a licensee conduct any amusement game at a location described in subsections (2)(i) or (j) of this section, without, at the location of such games, providing adult supervision during all hours the licensee is open for business at such location, prohibiting school-age minors from playing licensed amusement games during school hours, maintaining full-time personnel whose responsibilities include maintaining security and daily machine maintenance, and prohibiting minors from playing the amusement games after 10:00 p.m. on any day."

Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

Passed to Committee on Rules for second reading.

April 4, 1991

E2SSB 5753 Prime Sponsor, Committee on Ways & Means: Making major efforts to improve habitat for upland birds. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives R. King, Chair; Morris, Vice Chair; Wilson, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Basich; Cole; Haugen; Hochstatter; Orr; Padden; and Spanel.

Excused: Representative Basich.

Referred to Committee on Revenue.

April 4 1991

ESSB 5756 Prime Sponsor, Committee on Energy & Utilities: Providing rate regulation for low-level waste sites. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. State and national policy directs that the management of low-level radioactive waste be accomplished by a system of interstate compacts and the development of regional disposal sites. The Northwest regional compact, comprised of the states of Alaska, Hawaii, Idaho, Montana, Oregon, Utah, and Washington, has as its disposal facility the low-level radioactive waste disposal site located near Richland, Washington. This site is expected to be the sole site for disposal of low-level radioactive waste for compact members effective January 1, 1993. Future closure of this site will require significant financial resources.

Low-level radioactive waste is generated by essential activities and services that benefit the citizens of the state. Washington state's low-level radioactive waste disposal site has been used by the nation and the Northwest compact as a disposal site since 1965. The public has come to rely on access to this site for disposal of low-level radioactive waste, which requires separate handling from other solid and hazardous wastes. The price of disposing of low-level radioactive waste at the Washington state low-level radioactive waste disposal site is anticipated to increase when the federal low-level radioactive waste policy amendments act of 1985 is implemented and waste generated outside the Northwest compact states is excluded.

When these events occur, to protect Washington and other Northwest compact states' businesses and services, such as electrical production, medical and university research, and private industries, upon which the public relies, there will be a need to regulate the rates charged by the operator of Washington's low-level radioactive waste disposal site. This chapter is adopted pursuant to section 8, chapter 21, Laws of 1990.

NEW SECTION. Sec. 2. Definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington utilities and transportation commission.

(2) "Effective rate" means the highest permissible rate, calculated as the lowest contract rate plus an administrative fee, if applicable, determined pursuant to section 5 of this act.

(3) "Extraordinary volume" means volumes of low-level radioactive waste delivered to a site caused by nonrecurring events, outside normal operations of a generator, that are

in excess of twenty thousand cubic feet or twenty percent of the preceding year's total volume at such site, whichever is less.

(4) "Extraordinary volume adjustment" means a mechanism that allocates the potential rate reduction benefits of an extraordinary volume between all generators and the generator responsible for such extraordinary volume as described in section 8 of this act.

(5) "Generator" means a person, partnership, association, corporation, or any other entity whatsoever that, as a part of its activities, produces low-level radioactive waste.

(6) "Inflation adjustment" means a mechanism that adjusts the maximum disposal rate by a percentage equal to the change in price levels in the preceding period, as measured by a common, verifiable price index as determined in section 5 of this act.

(7) "Initial rate proceeding" means the proceeding described in section 5 of this act.

(8) "Maximum disposal rate" means the rate described in section 6 of this act.

(9) "Site" means a location, structure, or property used or to be used for the storage, treatment, or disposal of low-level radioactive waste for compensation within the state of Washington.

(10) "Site operator" means a low-level radioactive waste site operating company as defined in RCW 81.04.010.

(11) "Volume adjustment" means a mechanism that adjusts the maximum disposal rate in response to material changes in volumes of waste deposited at the site during the preceding period so as to provide a level of total revenues sufficient to recover the costs to operate and maintain the site.

Sec. 3. RCW 81.04.010 and 1981 c 13 s 2 are each amended to read as follows:

As used in this title, unless specially defined otherwise or unless the context indicates otherwise:

"Commission" means the utilities and transportation commission.

"Commissioner" means one of the members of such commission.

"Corporation" includes a corporation, company, association or joint stock association.

"Low-level radioactive waste site operating company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.

"Low-level radioactive waste" means low-level waste as defined by RCW 43.145.010.

"Person" includes an individual, a firm or copartnership.

"Street railroad" includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage, subways, tunnels, stations, terminals and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such street railroad, within this state.

"Street railroad company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Railroad" includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such railroad.

"Railroad company" includes every corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Express company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, who shall engage in or transact the business of carrying any freight, merchandise or property for hire on the line of any common carrier operated in this state.

"Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, steamboat companies, express companies, car companies, sleeping car companies, freight companies, freight line companies, and every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing or controlling any such agency for public use in the conveyance of persons or property for hire within this state.

"Vessel" includes every species of watercraft, by whatsoever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha or electric motors.

"Steamboat company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers, appointed by any court whatsoever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state.

"Transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported, and the transmission of credit.

"Transportation of persons" includes any service in connection with the receiving, carriage and delivery of the person transported and his baggage and all facilities used, or necessary to be used in connection with the safety, comfort and convenience of the person transported.

"Public service company" includes every common carrier.

The term "service" is used in this title in its broadest and most inclusive sense.

NEW SECTION. Sec. 4. (1) The commission shall have jurisdiction over the sites and site operators as set forth in this chapter.

(2)(a) The commission shall establish rates to be charged by site operators. In establishing the rates, the commission shall assure that they are fair, just, reasonable, and sufficient considering the value of the site operator's leasehold and license interests, the unique nature of its business operations, the site operator's liability associated with the site, its investment incurred over the term of its operations, and the rate of return equivalent to that earned by comparable enterprises. Such rates shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

(b) In exercising the power in this subsection the commission may use any standard, formula, method, or theory of valuation reasonably calculated to arrive at the objective of prescribing and authorizing fair, just, reasonable, and sufficient rates. The relation of site operator expenses to site operator revenues may be deemed the proper test of a reasonable return.

(3) In all respects in which the commission has power and authority under this chapter, applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders, and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for review to the superior court filed therewith, appeals filed with the appellate courts of this state, considered and disposed of by said courts in the

manner, under the conditions, and subject to the limitations, and with the effect specified in this title for public service companies generally.

(4) At any time after January 1, 1992, the commission may: (a) Prescribe a system of accounts for site operators using as a starting point the existing system used by site operators; (b) audit the books of site operators; (c) obtain books and records from site operators; (d) assess penalties; and (e) require semiannual reports regarding the results of operations for the site.

(5) The commission may adopt rules necessary to carry out its functions under this chapter.

NEW SECTION. Sec. 5. (1) On or before March 1, 1992, site operators shall file a request with the commission to establish an initial maximum disposal rate. The filing shall include, at a minimum, testimony, exhibits, workpapers, summaries, annual reports, cost studies, proposed tariffs, and other documents as required by the commission in rate cases generally under its jurisdiction.

(2) After receipt of a request, the commission shall set the request for a hearing and require the site operator to provide for notice to all known customers that ship or deliver waste to the site. The proceedings before the commission shall be conducted in accordance with chapter 34.05 RCW and rules of procedure established by the commission.

(3) No later than January 1, 1993, the commission shall establish the initial maximum disposal rates that may be charged by site operators.

(4) In the initial rate proceeding the commission also shall determine the factors necessary to calculate the inflation, volume, and extraordinary volume adjustments.

(5) The commission also shall determine the administrative fee, which shall be a percentage or an amount that represents increased administrative costs associated with acceptance of small volumes of waste by a site operator. The administrative fee may be revised by the commission from time to time upon its own motion or upon the petition of an interested person.

(6) The rates specified in this section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

NEW SECTION. Sec. 6. (1) The maximum disposal rates that a site operator may charge generators shall be determined in accordance with this section. The rates shall include all charges for disposal services at the site.

(2) Initially, the maximum disposal rates shall be the initial rates established pursuant to section 5 of this act.

(3) Subsequently, the maximum disposal rates shall be adjusted semiannually in January and July of each year to incorporate inflation and volume adjustments. Such adjustments shall take effect thirty days after filing with the commission unless the commission authorizes that the adjustments take effect earlier, or the commission contests the calculation of the adjustments, in which case the commission may suspend the filing. A site operator shall provide notice to its customers concurrent with the filing.

(4)(a) Subsequently, a site operator may also file for revisions to the maximum disposal rates due to:

(i) Changes in any governmentally imposed fee, surcharge, or tax assessed on a volume or a gross revenue basis against or collected by the site operator, including site closure fees, perpetual care and maintenance fees, business and occupation taxes, site surveillance fees, leasehold excise taxes, commission regulatory fees, municipal taxes, and a tax or payment in lieu of taxes authorized by the state to compensate the county in which a site is located for that county's legitimate costs arising out of the presence of that site within that county; or

(ii) Factors outside the control of the site operator such as a material change in regulatory requirements regarding the physical operation of the site.

(b) Revisions to the maximum disposal rate shall take effect thirty days after filing with the commission unless the commission suspends the filing or authorizes the proposed adjustments to take effect earlier.

(5) Upon establishment of a contract rate pursuant to section 7 of this act for a disposal fee, the site operator may not collect a disposal fee that is greater than the effective rate. The effective rate shall be in effect so long as such contract rate remains in effect. Adjustments to the maximum disposal rates may be made during the time an effective rate is in place. Contracts for disposal of extraordinary volumes pursuant to section 8 of this act shall not be considered in determining the effective rate.

(6) The site operator may petition the commission for new maximum disposal rates at any time. Upon receipt of such a petition, the commission shall set the matter for hearing and shall issue an order within seven months of the filing of the petition. The petition shall be accompanied by the documents required to accompany the filing for initial rates. The hearing on the petition shall be conducted in accordance with the commission's rules of practice and procedure.

(7) This section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

NEW SECTION. Sec. 7. (1) At any time, a site operator may contract with any person to provide a contract disposal rate lower than the maximum disposal rate.

(2) A contract or contract amendment shall be submitted to the commission for approval at least thirty days before its effective date. The commission may approve the contract or suspend the contract and set it for hearing. If the commission takes no action within thirty days of filing, the contract or amendment shall go into effect according to its terms. Each contract filing shall be accompanied with documentation to show that the contract does not result in discrimination between generators receiving like and contemporaneous service under substantially similar circumstances and provides for the recovery of all costs associated with the provision of the service.

(3) This section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

NEW SECTION. Sec. 8. (1) In establishing the extraordinary volume adjustment, unless the site operator and generator of the extraordinary volume agree to a contract disposal rate, one-half of the extraordinary volume delivery shall be priced at the maximum disposal rate and one-half shall be priced at the site operator's incremental cost to receive the delivery. Such incremental cost shall be determined in the initial rate proceeding.

(2) For purposes of the subsequent calculation of the volume adjustment, one-half of the total extraordinary volume shall be included in the calculation.

(3) This section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

NEW SECTION. Sec. 9. (1) At any time, the commission or an interested person may file a complaint against a site operator alleging that the rates established pursuant to section 5 or 6 of this act are not in conformity with the standards set forth in section 4 of this act or that the site operator is otherwise not acting in conformity with the requirements of this chapter. Upon filing of the complaint, the commission shall cause a copy thereof to be served upon the site operator. The complaining party shall have the burden of proving that the maximum disposal rates determined pursuant to section 6 of this act are not just, fair, reasonable, or sufficient. The hearing shall conform to the rules of practice and procedure of the commission for other complaint cases.

(2) The commission shall encourage alternate forms of dispute resolution to resolve disputes between a site operator and any other person regarding matters covered by this chapter.

NEW SECTION. Sec. 10. (1) A site operator shall, on or before May 1, 1992, and each year thereafter, file with the commission a statement showing its gross operating

revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to one percent of the amount of the gross operating revenue, exclusive of site surveillance fees, perpetual care and maintenance fees, site closure fees, and state or federally imposed out-of-region surcharges.

(2) Fees collected under this chapter shall reasonably approximate the cost of supervising and regulating site operators. The commission may order a decrease in fees by March 1st of any year in which it determines that the moneys then in the radioactive waste disposal companies account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating site operators.

(3) Fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

NEW SECTION. Sec. 11. (1) A low-level waste disposal site operator is exempt as specified in sections 4(2)(a), 5(6), 6(7), 7(3), and 8(3) of this act unless a monopoly situation exists with respect to the site operated by such site operator. A monopoly situation exists if either of the following is present:

(a) No disposal facility is available to Northwest compact generators of low-level radioactive waste other than the site or sites operated by such site operator or its affiliates; or

(b) Disposal rates at other sites are not reasonable alternatives for Northwest compact generators, considering: Disposal rates at other facilities; current disposal rates charged by the site operator; historic relationships between the site operator's rates and rates at other facilities; and changes in the operator's rates considering changes in waste volumes, taxes, and fees; provided, however, that a monopoly situation does not exist if either of the following facilities operates or is projected to operate after December 31, 1992:

(i) Any existing low-level radioactive waste disposal site outside the state of Washington, other than facilities operated by affiliates of a site operator, provided that such site or sites do not charge disposal rates that discriminate against Northwest compact generators except to the extent, through December 31, 1994, such discrimination is authorized by amendment of current federal law; or

(ii) An existing facility within the Northwest compact not receiving low-level radioactive waste receives or offers to receive such waste under substantially similar terms and conditions.

(2) Such exemption shall be in effect until such time as the commission finds, after notice and hearing, upon motion by the commission or upon petition by any interested party, that a monopoly situation exists or will exist as of January 1, 1993. Such finding shall be based upon application of the criteria set forth in this section. The commission may assess a site operator for all of the commission's costs of supervision and regulation prior to and relative to determining whether such exemption applies to the site operator. If the commission determines that a site operator is not subject to such exemption, it shall collect its costs of supervision and regulation under section 10 of this act.

(3) When such an exemption is in effect, any increase in rates charged by the operator effective January 1, 1993, for services other than the base rate for disposal of solid material in packages of twelve cubic feet or less shall be no more than the percentage increase in said base rate in effect on January 1, 1993.

NEW SECTION. Sec. 12. (1) At any time after this chapter has been implemented with respect to a site operator, such site operator may petition the commission to be classified as competitive. The commission may initiate classification proceedings on its own motion. The commission shall enter its final order with respect to classification within seven months from the date of filing of a company's petition or the commission's motion.

(2) The commission shall classify a site operator as a competitive company if the commission finds, after notice and hearing, that the disposal services offered are subject to competition because the company's customers have reasonably available alternatives. In determining whether a company is competitive, the commission's consideration shall include, but not be limited to:

(a) Whether the system of interstate compacts and regional disposal sites established by federal law has been implemented so that the Northwest compact site located near Richland, Washington is the exclusive site option for disposal by customers within the Northwest compact states;

(b) Whether waste generated outside the Northwest compact states is excluded; and

(c) The ability of alternative disposal sites to make functionally equivalent services readily available at competitive rates, terms, and conditions.

(3) The commission may reclassify a competitive site operator if reclassification would protect the public interest as set forth in this section.

(4) Competitive low-level radioactive waste disposal companies shall be exempt from commission regulation and fees during the time they are so classified.

NEW SECTION. Sec. 13. Nothing in this chapter shall be construed to affect the jurisdiction of another state agency.

Sec. 14. RCW 82.16.010 and 1989 c 302 s 203 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

(6) "Telegraphic business" means the business of affording telegraphic communication for hire.

(7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: PROVIDED, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns

whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in RCW 82.04.065 and low-level radioactive waste site operating companies as defined in RCW 81.04.010. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

Sec. 15. RCW 82.04.260 and 1990 c 21 s 2 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing, or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax

with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of fifteen percent.

(a) The rate specified in this subsection shall be reduced to ten percent (~~upon the effective date of legislation adopted pursuant to RCW 81.04.520 governing regulation of the business of low-level radioactive waste disposal~~) on the effective date of this act.

(b) The rate specified in this subsection shall be further reduced to five percent on January 1, 1992(~~, if (a) of this subsection has taken effect~~).

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

Sec. 16. RCW 43.200.080 and 1990 c 21 s 6 are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The perpetual maintenance fund is created in the state treasury. The treasurer shall place the money in a special fund which may be designated the "perpetual maintenance fund." The perpetual maintenance fund shall be comprised of a site closure account and a perpetual surveillance and maintenance account. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. Moneys which on July 23, 1989, are in the perpetual maintenance account shall be transferred to the perpetual surveillance

and maintenance account. All moneys currently administered by the department of ecology for closure of the Hanford low-level radioactive waste disposal facility shall be transferred to the site closure account within the perpetual maintenance fund. All future moneys, including interest, contributed to the perpetual maintenance fund shall be directed to the site closure account until December 31, 1992. Thereafter receipts shall be directed to the perpetual maintenance fund as specified by the department. Moneys in the perpetual maintenance fund shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance fund. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the perpetual maintenance fund;

(3) To collect after January 1, 1993, as an added charge on each cubic foot of waste disposed at any facility in the state a surcharge of seven dollars. The surcharge shall be made specifically on the generator of the waste and shall not be considered applicable in any way to the low-level site operator's disposal activities. Five dollars of the surcharge shall be deposited in the fund created in section 17 of this act and two dollars of the surcharge shall be remitted monthly to a county in which a low-level radioactive waste disposal facility is located;

(4) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

~~((4))~~ (5) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management; and

~~((5))~~ (6) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

~~((6))~~ (7) To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The initial set of plans shall be completed by October 1, 1989, and shall be updated annually. The department shall report annually on the plans and on the balances in the site closure and perpetual surveillance accounts to the energy and utilities committees of the senate and the house of representatives.

NEW SECTION. Sec. 17. A new section is added to chapter 43.200 RCW to read as follows:

There is established the radioactive waste disposal host area economic development account in the state treasury. All payments received under RCW 43.200.080 shall be deposited in the account. Moneys in the account shall be transferred monthly to the regional revolving loan fund of an economic development district that is a component of any local governmental conference authorized by RCW 36.64.080 that includes the county or city in which a low-level radioactive waste disposal area is located. Moneys in the

account may be spent without legislative appropriation. Expenditures of these moneys shall conform to applicable federal law.

NEW SECTION. Sec. 18. Sections 1, 2, and 4 through 13 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "sites;" strike the remainder of the title and insert "amending RCW 81.04.010, 82.16.010, 82.04.260, and 43.200.080; adding a new section to chapter 43.200 RCW; adding a new chapter to Title 81 RCW; and declaring an emergency."

Signed by Representatives Grant, Chair; H. Myers, Vice Chair; Bray; Cooper; R. Fisher; Jacobsen; and Rayburn.

MINORITY recommendation: Do not pass. Signed by Representatives May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Casada; and Miller.

Passed to Committee on Rules for second reading.

April 2, 1991

SSB 5759 Prime Sponsor, Committee on Commerce & Labor: Revising provisions regulating funeral directors, embalmers, and crematories. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 9, after "shall" insert "have the right to"

On page 3, after line 12, insert:

"Sec. 4. RCW 68.05.205 and 1987 c 331 s 16 are each amended to read as follows:

Every cemetery authority shall pay for each cemetery operated by it, an annual regulatory charge to be fixed by the director (~~(of not more than three dollars per))~~ and based on each interment, entombment, and inurnment made during the preceding full calendar year, which charges shall be deposited in the cemetery account. This regulatory charge may not be increased more than twenty-five percent each year. Upon payment of said charges and compliance with the provisions of Title 68 RCW and the lawful orders, rules, and regulations of the board, the board will issue a certificate of authority."

On page 1, line 2 of the title, after "RCW 18.39.290" insert ", 68.05.205,"

Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

Passed to Committee on Rules for second reading.

April 3, 1991

SB 5766 Prime Sponsor, Senator Pelz: Creating an academic excellence program for at-risk youth. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 23, after "act." insert "Advisors shall not be required to be professionally certificated."

On page 3, line 4, after "year" insert ", is pregnant, or is a parent"

Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Berozoff; Broback; Cole; Dorn; Holland; P. Johnson; Jones; Neher; Orr; Phillips; Rasmussen; Roland; and Valle.

Excused: Representatives Brumsickle and H. Sommers.

Passed to Committee on Rules for second reading.

April 3, 1991

SB 5767 Prime Sponsor, Senator Sellar: Permitting public utility districts to borrow from or establish credit with any financial institution.
Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Wood; Wynne; and Zellinsky.

Excused: Representatives Cooper, Vice Chair; Horn; Rayburn; and Roland.

Passed to Committee on Rules for second reading.

April 2, 1991

ESSB 5770 Prime Sponsor, Committee on Energy & Utilities: Authorizing obtaining electrical supplies through conservation and generation.
Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the state is facing an energy shortage as growth occurs and that inadequate supplies of energy will cause harmful impacts on the entire range of state citizens. The legislature further finds that energy efficiency improvement is the single most effective near term measure to lessen the risk of energy shortage. In the area of electricity, the legislature additionally finds that the Northwest power planning council has made several recommendations, including an update of the commercial building energy code and granting flexible ratemaking alternatives for utility commissions to encourage prudent acquisition of new electric resources.

Sec. 2. RCW 80.04.250 and 1961 c 14 s 80.04.250 are each amended to read as follows:

The commission shall have power upon complaint or upon its own motion to ascertain and determine the fair value for rate making purposes of the property of any public service company used and useful for service in this state and shall exercise such power whenever it shall deem such valuation or determination necessary or proper under

any of the provisions of this title. In determining what property is used and useful for service, the commission may include the reasonable costs of construction work in progress to the extent that the commission finds that inclusion is in the public interest.

The commission shall have the power to make revaluations of the property of any public service company from time to time.

The commission shall, before any hearing is had, notify the complainants and the public service company concerned of the time and place of such hearing by giving at least thirty days' written notice thereof, specifying that at the time and place designated a hearing will be held for the purpose of ascertaining the value of the company's property, used and useful as aforesaid, which notice shall be sufficient to authorize the commission to inquire into and pass upon the matters designated in this section.

NEW SECTION. Sec. 3. A new section is added to chapter 19.27A RCW to read as follows:

(1) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 1986 edition, as amended. The state building code council may, by rule adopted pursuant to chapter 34.05 RCW, amend that code's requirements for new nonresidential buildings provided that:

(a) Such amendments increase the energy efficiency of typical newly constructed nonresidential buildings; and

(b) Any new measures, standards, or requirements adopted must be technically feasible, commercially available, and cost-effective to building owners and tenants.

(2) In considering amendments to the state energy code for nonresidential buildings, the state building code council shall establish and consult with a technical advisory committee including representatives of appropriate state agencies, local governments, general contractors, building owners and managers, design professionals, utilities, and other interested and affected parties.

(3) Decisions to amend the Washington state energy code for new nonresidential buildings shall be made prior to December 15th of any year and shall not take effect before the end of the regular legislative session in the next year. Any disputed provisions within an amendment presented to the legislature shall be approved by the legislature before going into effect. A disputed provision is one which was adopted by the state building code council with less than a two-thirds majority vote. Substantial amendments to the code shall be adopted no more frequently than every three years.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 2 of the title, after "generation;" strike the remainder of the title and insert "amending RCW 80.04.250; adding a new section to chapter 19.27A RCW; and creating a new section."

Signed by Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Casada; Cooper; R. Fisher; Miller; and Rayburn.

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

Passed to Committee on Rules for second reading.

April 5, 1991

SSB 5776 Prime Sponsor, Committee on Commerce & Labor: Regulating alcoholic beverages. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 66.04.010 and 1987 c 386 s 3 are each amended to read as follows: In this title, unless the context otherwise requires:

(1) "Agency" means the liquor control agency, the state agency established under section 2 of this act.

(2) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

((2)) (3) "Beer" means any malt beverage or malt liquor as these terms are defined in this chapter.

((3)) (4) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor.

((4)) (5) "Board" means the liquor control board, the rule-making and quasi-judicial body constituted under this title.

((5)) (6) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

((6)) (7) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

((7)) (8) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his or her profession within the state pursuant to chapter 18.32 RCW.

((8)) (9) "Director" means the director of the liquor control agency.

(10) "Distiller" means a person engaged in the business of distilling spirits.

((9)) (11) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

((10)) (12) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

((11)) (13) "Employee" means any person employed by the ((board)) director, including a vendor, as hereinafter in this section defined.

((12)) (14) "Fund" means 'liquor revolving fund.'

((13)) (15) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER,

That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms. Hotels licensed to sell liquor shall have signs posted in conspicuous locations throughout the establishment warning women of the potential hazards associated with the consumption of alcohol when pregnant. These signs shall be in a size and form that are easily readable by all customers.

((14)) (16) "Imprisonment" means confinement in the county jail.

((15)) (17) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

((16)) (18) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

((17)) (19) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

((18)) (20) "Package" means any container or receptacle used for holding liquor.

((19)) (21) "Permit" means a permit for the purchase of liquor under this title.

((20)) (22) "Person" means an individual, copartnership, association, or corporation.

((21)) (23) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his or her profession within the state pursuant to chapter 18.71 RCW.

((22)) (24) "Prescription" means a memorandum signed by a physician and given by him or her to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

((23)) (25) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

((24)) (26) "Regulations" or "rules" means (~~regulations made~~) rules adopted pursuant to chapter 34.05 RCW by the board under the powers conferred by this title.

((25)) (27) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains. Restaurants licensed to sell liquor shall have signs posted in conspicuous locations throughout the

establishment warning women of the potential hazards associated with the consumption of alcohol when pregnant. These signs shall be in a size and form that are easily readable by all customers.

~~((26))~~ (28) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his or her agent in the state. "Sale" and "sell" does not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315, if the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

~~((27))~~ (29) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

~~((28))~~ (30) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding twenty-four percent of alcohol by volume.

~~((29))~~ (31) "Store" means a state liquor store established under this title.

~~((30))~~ (32) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined. Taverns licensed to sell liquor shall have signs posted in conspicuous locations throughout the establishment warning women of the potential hazards associated with the consumption of alcohol when pregnant. These signs shall be in a size and form that are easily readable by all customers.

~~((31))~~ (33) "Vendor" means a person employed by the ~~(board)~~ liquor control agency as a store manager under this title.

~~((32))~~ (34) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

~~((33))~~ (35) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

~~((34))~~ (36) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing ~~((less))~~ no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount ~~((equal to or))~~ more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (a) Wines that are both sealed or capped by cork closure and aged two years or more; and (b) wines that contain more than fourteen percent ~~((or more))~~ alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

~~((35))~~ (37) "Beer wholesaler" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

~~((36))~~ (38) "Wine wholesaler" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of

selling the same not in violation of this title, or who represents such vintner or winery as agent.

NEW SECTION. Sec. 2. A new section is added to chapter 66.08 RCW to read as follows:

There is an agency of state government known as the "Washington state liquor control agency."

The executive head of the liquor control agency is the director. The director is appointed by, and serves at the pleasure of, the governor. The appointment of the director is subject to confirmation by the senate. The director is paid a salary to be fixed by the governor in accordance with RCW 43.03.040. The director shall have management experience in a public agency and a business enterprise.

NEW SECTION. Sec. 3. All powers, duties, and functions vested by law in the liquor control board are transferred to the director of the liquor control agency, except those powers, duties, and functions which are expressly directed to remain with the board. This transfer shall take place January 1, 1992. This act does not create a new agency, but renames the Washington State liquor control board and provides for a new administrative structure within the renamed agency.

Sec. 4. RCW 66.08.012 and 1961 c 307 s 7 are each amended to read as follows:

There shall be a board, known as the "Washington state liquor control board," consisting of ~~((three))~~ five members, to be appointed by the governor, with the consent of the senate, who shall each be ~~((paid an annual salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040))~~ compensated in accordance with RCW 43.03.250 and shall be reimbursed for subsistence and mileage in accordance with RCW 43.03.050 and 43.03.060. The governor may, in his or her discretion, appoint one of the members as ~~((chairman))~~ chair of the board, and a majority of the members shall constitute a quorum of the board. The board shall meet once a month or at such times as the chair may designate.

Sec. 5. RCW 66.08.014 and 1986 c 105 s 1 are each amended to read as follows:

(1) The members of the board to be appointed after December 2, 1948, shall be appointed for terms beginning January 15, 1949, and expiring as follows: One member of the board for a term of three years from January 15, 1949; one member of the board for a term of six years from January 15, 1949; and one member of the board for a term of nine years from January 15, 1949. Each of the members of the board appointed hereunder shall hold office until his or her successor is appointed and qualified. After June 11, 1986, the term that began on January 15, 1985, will end on January 15, 1989, the term beginning on January 15, 1988, will end on January 15, 1993, and the term beginning on January 15, 1991, will end on January 15, 1997. Thereafter, upon the expiration of the term of any member appointed after June 11, 1986, each succeeding member of the board shall be appointed and hold office for the term of six years. The unexpired terms of board members serving on the effective date of this act shall be completed by members appointed to serve part time after the effective date of this act. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs. No vacancy in the membership of the board shall impair the right of the remaining member or members to act, except as herein otherwise provided.

(2) The principal office of the ~~((board))~~ liquor control agency shall be at the state capitol, and it may establish such other offices as it may deem necessary.

(3) Any member of the board may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall be public, and the procedure for the hearing, and the

decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member of the board by the tribunal shall disqualify such member for reappointment.

(4) Each member of the board shall ~~((devote his entire time to the duties of his office))~~ serve part time and no member of the board shall hold any other public office. Before entering upon the duties of his or her office, each of ~~((said))~~ the members of the board shall enter into a surety bond executed by a surety company authorized to do business in this state, payable to the state of Washington, to be approved by the governor in the penal sum of fifty thousand dollars conditioned upon the faithful performance of his or her duties, and shall take and subscribe to the oath of office prescribed for elective state officers, which oath and bond shall be filed with the secretary of state. The premium for ~~((said))~~ the bond shall be paid by the ~~((board))~~ liquor control agency.

Sec. 6. RCW 66.08.020 and 1933 ex.s. c 62 s 5 are each amended to read as follows:

The administration of this title, including the general control, management, and supervision of all liquor stores, shall be vested in the ~~((liquor control board, constituted under this title.))~~ director, who shall carry out this administrative function in accordance with the rules adopted by the board.

In addition to any other powers granted or transferred to the director, the director shall have the following powers and duties as may be necessary to carry out the purposes of this title:

(1) Supervise and administer the operations of the liquor control agency in accordance with the provisions of this title;

(2) Appoint personnel and prescribe their duties;

(3) Enter into contracts on behalf of the agency;

(4) Accept and expend donations, grants, or other funds;

(5) Delegate powers, duties, and functions of the liquor control agency to employees of the agency as the director deems necessary to ensure efficient administration;

(6) Appoint advisory committees and undertake studies, research, and analysis necessary to support activities of the agency; and

(7) Perform such other duties as are consistent with this title.

Sec. 7. RCW 66.08.030 and 1977 ex.s. c 115 s 1 are each amended to read as follows:

(1) For the purpose of carrying into effect the provisions of this title according to their true intent or of supplying any deficiency therein, the board may make such ~~((regulations))~~ rules not inconsistent with the spirit of this title as are deemed necessary or advisable. All ~~((regulations))~~ rules so made shall be a public record and shall be filed in the office of the code reviser, and thereupon shall have the same force and effect as if incorporated in this title. Such ~~((regulations))~~ rules, together with a copy of this title, shall be published in pamphlets and shall be distributed as directed by the board.

(2) Without thereby limiting the generality of the provisions contained in subsection (1) of this section, it is declared that the power of the board to make ~~((regulations))~~ rules in the manner set out in that subsection shall extend to:

(a) ~~((regulating the equipment and management of stores and warehouses in which state liquor is sold or kept, and prescribing the books and records to be kept therein and the reports to be made thereon to the board;~~

~~(b) prescribing the duties of the employees of the board, and regulating their conduct in the discharge of their duties;~~

(e)) Governing the purchase of liquor by the state and the furnishing of liquor to stores established under this title;

~~((d))~~ (b) Determining the classes, varieties, and brands of liquor to be kept for sale at any store;

((e)) (c) Prescribing, subject to RCW 66.16.080, the hours during which the state liquor stores shall be kept open for the sale of liquor;

((f)) (d) Providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each variety of liquor kept for sale under this title;

((g)) (e) Prescribing an official seal and official labels and stamps and determining the manner in which they shall be attached to every package of liquor sold or sealed under this title, including the prescribing of different official seals or different official labels for different classes of liquor;

((h)) (f) Providing for the payment by the ~~(board)~~ liquor control agency in whole or in part of the carrying charges on liquor shipped by freight or express;

((i)) (g) Prescribing forms to be used for purposes of this title or the ~~(regulations)~~ rules, and the terms and conditions to be contained in permits and licenses issued under this title;

((j)) (h) Prescribing the fees payable in respect of permits and licenses issued under this title for which no fees are prescribed in this title, and prescribing the fees for anything done or permitted to be done under the ~~(regulations)~~ rules;

((k)) (i) Prescribing the kinds and quantities of liquor which may be kept on hand by the holder of a special permit for the purposes named in the permit, regulating the manner in which the same shall be kept and disposed of, and providing for the inspection of the same at any time at the instance of the board;

((l)) (j) Regulating the sale of liquor kept by the holders of licenses which entitle the holder to purchase and keep liquor for sale;

((m)) (k) Prescribing the records of purchases or sales of liquor kept by the holders of licenses, and the reports to be made thereon to the board, and providing for inspection of the records so kept;

((n)) (l) Prescribing the kinds and quantities of liquor for which a prescription may be given, and the number of prescriptions which may be given to the same patient within a stated period;

((o)) (m) Prescribing the manner of giving and serving notices required by this title or the ~~(regulations)~~ rules, where not otherwise provided for in this title;

((p)) (n) Regulating premises in which liquor is kept for export from the state, or from which liquor is exported, prescribing the books and records to be kept therein and the reports to be made thereon to the board, and providing for the inspection of the premises and the books, records and the liquor so kept;

((q)) (o) Prescribing the conditions and qualifications requisite for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, prescribing the manner of licensing clubs in any municipality or other locality, and providing for the inspection of clubs;

((r)) (p) Prescribing the conditions, accommodations, and qualifications requisite for the obtaining of licenses to sell beer and wines, and regulating the sale of beer and wines thereunder;

((s)) (q) Specifying and regulating the time and periods when, and the manner, methods, and means by which manufacturers shall deliver liquor within the state; and the time and periods when, and the manner, methods, and means by which liquor may lawfully be conveyed or carried within the state;

((t)) (r) Providing for the making of returns by brewers of their sales of beer shipped within the state, or from the state, showing the gross amount of such sales and providing for the inspection of brewers' books and records, and for the checking of the accuracy of any such returns;

((u)) (s) Providing for the making of returns by the wholesalers of beer whose breweries are located beyond the boundaries of the state;

((v)) (t) Providing for the making of returns by any other liquor manufacturers, showing the gross amount of liquor produced or purchased, the amount sold within and

exported from the state, and to whom so sold or exported, and providing for the inspection of the premises of any such liquor manufacturers, their books and records, and for the checking of any such return;

~~((w))~~ (u) Providing for the giving of fidelity bonds by any or all of the employees of the ~~((board))~~ liquor control agency: PROVIDED, That the premiums therefor shall be paid by the ~~((board))~~ agency;

~~((x))~~ (v) Providing for the shipment by mail or common carrier of liquor to any person holding a permit and residing in any unit which has, by election pursuant to this title, prohibited the sale of liquor therein;

~~((y))~~ (w) Prescribing methods of manufacture, conditions of sanitation, standards of ingredients, quality, and identity of alcoholic beverages manufactured, sold, bottled, or handled by licensees and the ~~((board))~~ liquor control agency; and conducting from time to time, in the interest of the public health and general welfare, scientific studies and research relating to alcoholic beverages and the use and effect thereof; and

~~((z))~~ (x) Seizing, confiscating, and destroying all alcoholic beverages manufactured, sold, or offered for sale within this state which do not conform in all respects to the standards prescribed by this title or the ~~((regulations))~~ rules of the board: PROVIDED, Nothing ~~((herein contained))~~ in this section shall be construed as authorizing the liquor board to prescribe, alter, limit, or in any way change the present law as to the quantity or percentage of alcohol used in the manufacturing of wine or other alcoholic beverages.

Sec. 8. RCW 66.08.050 and 1986 c 214 s 2 are each amended to read as follows:

The board, subject to the provisions of this title and the regulations, shall:

(1) Determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;

(2) Appoint in cities and towns and other communities, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the ~~((board))~~ liquor control agency and be authorized to sell liquor to such persons, firms, or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules and regulations consistent with this title as the board may require; and

~~(3) ((establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;~~

~~(4) provide for the leasing for periods not to exceed ten years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board;~~

~~(5)) Determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title((;~~

~~(6) execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;~~

~~(7) pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board;~~

~~(8) require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;~~

~~(9) perform services for the state lottery commission to such extent, and for such compensation, as may be mutually agreed upon between the board and the commission;~~

~~(10) perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor: PROVIDED, That the board shall have no authority to regulate~~

~~the content of spoken language on licensed premises where wine and other liquors are served and where there is not a clear and present danger of disorderly conduct being provoked by such language)).~~ In addition to these responsibilities, the final decision in any adjudicative proceeding commenced under RCW 66.08.150 or chapter 34.05 RCW shall be made by the board.

NEW SECTION. Sec. 9. A new section is added to chapter 66.08 RCW to read as follows:

The director, subject to the provisions of this title and the rules of the board, shall:

(1) Establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;

(2) Provide for the leasing for periods not to exceed ten years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the director;

(3) Execute or cause to be executed, all contracts, papers, and documents in the name of the agency, under such rules as the board may fix;

(4) Pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the agency;

(5) Require bonds from all employees in the discretion of the director, and to determine the amount of fidelity bond of each such employee;

(6) Perform services for the state lottery commission to such extent, and for such compensation, as may be mutually agreed upon between the director and the commission; and

(7) Perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor: PROVIDED, That the director shall have no authority to regulate the content of spoken language on licensed premises where wine and other liquors are served and where there is not a clear and present danger of disorderly conduct being provoked by such language.

NEW SECTION. Sec. 10. A new section is added to chapter 66.08 RCW to read as follows:

The director shall prepare, update, and execute an integrated liquor plan that is not in conflict with the rules adopted by the board and that includes, but is not limited to, the following elements:

(1) A program to achieve efficiencies and ensure operational integration of regulatory, merchandising, and administrative services;

(2) A program of public and consumer information and coordination with other public agencies and private organizations that emphasizes alcohol abuse prevention and responsible consumption; and

(3) A strategy for implementation of the plan.

Sec. 11. RCW 66.08.150 and 1989 c 175 s 122 are each amended to read as follows:

The action, order, or decision of the ~~((board))~~ director as to any denial of an application for the reissuance of a permit or license or as to any revocation, suspension, or modification of any permit or license shall be an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW. The final decision in any adjudicative proceeding commenced under this section or chapter 34.05 RCW shall be made by the board.

(1) An opportunity for a hearing may be provided an applicant for the reissuance of a permit or license prior to the disposition of the application, and if no such

opportunity for a prior hearing is provided then an opportunity for a hearing to reconsider the application must be provided the applicant.

(2) An opportunity for a hearing must be provided a permittee or licensee prior to a revocation or modification of any permit or license and, except as provided in subsection (4) of this section, prior to the suspension of any permit or license.

(3) No hearing shall be required until demanded by the applicant, permittee, or licensee.

(4) The ((board)) director may summarily suspend a license or permit for a period of up to thirty days without a prior hearing if it finds that public health, safety, or welfare imperatively require emergency action, and incorporates a finding to that effect in its order; and proceedings for revocation or other action must be promptly instituted and determined.

Sec. 12. RCW 66.24.170 and 1982 c 85 s 4 are each amended to read as follows:

(1) There shall be a license to domestic wineries; fee to be computed only on the liters manufactured: One hundred thousand liters or less per year, one hundred dollars per year; over one hundred thousand liters to seven hundred fifty thousand liters per year, four hundred dollars per year; and over seven hundred fifty thousand liters per year, eight hundred dollars per year.

(2) Any applicant for a domestic winery license shall, at the time of filing application for license, accompany such application with a license fee based upon a reasonable estimate of the amount of wine liters to be manufactured by such applicant. Persons holding domestic winery licenses shall report annually at the end of each fiscal year, at such time and in such manner as the board may prescribe, the amount of wine manufactured by them during the fiscal year. If the total amount of wine manufactured during the year exceeds the amount permitted annually by the license fee already paid the board, the licensee shall pay such additional license fee as may be unpaid in accordance with the schedule provided in this section.

(3) Any domestic winery licensed under this section shall also be considered as holding, for the purposes of selling or importing wine((s)) of its own production, a current wine wholesaler's license under RCW 66.24.200, a wine importer's license under RCW 66.24.204, and a wine retailer's license, class F, under RCW 66.24.370 without further application or fee. Any winery operating as a wholesaler, importer, or retailer under this subsection shall comply with the applicable laws and rules relating to ((such)) wholesalers, importers, and retailers.

(4) Wine produced in Washington state by a domestic winery licensee may be shipped out-of-state for the purpose of making it into sparkling wine and then returned to such licensee for resale. Such wine shall be deemed wine manufactured in the state of Washington for the purposes of RCW 66.24.206, and shall not require a special license.

Sec. 13. RCW 66.24.210 and 1989 c 271 s 501 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof.

If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. Such additional tax shall cease to be imposed on July 1, 1993. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) Until July 1, 1995, an additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on fortified wine (~~(containing alcohol in an amount equal to or more than fourteen percent by volume)~~) as defined in RCW 66.04.010(34) when bottled or packaged by the manufacturer and one cent per liter on all other wine. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

Sec. 14. RCW 10.93.020 and 1988 c 36 s 5 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol is a general authority Washington law enforcement agency.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources, fisheries, wildlife, and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control ~~(board)~~ agency, and the state department of corrections.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency

empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

Sec. 15. RCW 19.02.050 and 1989 1st ex.s. c 9 s 317 are each amended to read as follows:

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

- (a) Department of agriculture;
- (b) Secretary of state;
- (c) Department of social and health services;
- (d) Department of revenue;
- (e) Department of fisheries;
- (f) Department of employment security;
- (g) Department of labor and industries;
- (h) Department of trade and economic development;
- (i) Liquor control (~~board~~) agency;
- (j) Department of health;

(k) Department of licensing;

(l) Utilities and transportation commission; and

(m) Other agencies as determined by the governor.

Sec. 16. RCW 43.03.028 and 1991 c 3 s 294 are each amended to read as follows:

(1) There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson of the State Personnel Board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the capitol historical association and museum; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; the state finance committee; the state library; the traffic safety commission; the horse racing commission; the advisory council on vocational education; the public disclosure commission; the state conservation commission; the commission on Hispanic affairs; the commission on Asian-American affairs; the state board for volunteer fire fighters; the transportation improvement board; the public (~~employees~~) employment relations commission; the forest practices appeals board; (~~and~~) the energy facilities site evaluation council; and the liquor control board.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 17. RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of wildlife, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of trade and economic development, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, (15) the department of community development, (~~and~~) (16) the department of health, and (17) the liquor control agency, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 18. RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of wildlife, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of trade and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, (15) the director of community development, ~~((and))~~ (16) the secretary of health, and the director of the liquor control agency.

Such officers, except the secretary of transportation, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of wildlife, however, shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.

Sec. 19. RCW 42.17.2401 and 1991 c 3 s 293 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fisheries, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the director of the higher education personnel board, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the liquor control agency, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the director of wildlife, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community college education, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, higher education coordinating board, higher education facilities authority, higher education personnel board, horse racing commission, state housing finance commission,

human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, personnel board, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, state employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and wildlife commission.

Sec. 20. RCW 43.82.010 and 1990 c 47 s 1 are each amended to read as follows:

(1) The director of the department of general administration, on behalf of the agency involved, shall purchase, lease, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of general administration.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section.

(3) The director is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(4) If the director determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsections (1) or (3) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(5) In order to obtain maximum utilization of space, the director shall make space utilization studies, and shall establish standards for use of space by state agencies.

(6) The director may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his management.

(7) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director or the director's designee, and recorded with the county auditor of the county in which the property is located.

(8) The director may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable.

(9) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor control (~~(board)~~) agency for liquor stores and warehouses; and

(c) The department of natural resources, the department of fisheries, the department of wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes.

(10) Notwithstanding any provision in this chapter to the contrary, the department of general administration may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

NEW SECTION. Sec. 21. RCW 66.08.016 and 1961 c 1 s 30, 1947 c 113 s 2, & 1933 ex.s. c 62 s 65 are each repealed.

NEW SECTION. Sec. 22. Nothing in this act requires the liquor control agency to discard stationery or signs, rename its facilities or stores, or incur similar expenses attributable to the renaming of the agency.

Sec. 23. RCW 9.46.0315 and 1987 c 4 s 27 are each amended to read as follows:

Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of this chapter, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle. The organization may provide unopened containers of beverages containing alcohol as raffle prizes if the appropriate permit has been obtained from the liquor control board: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

NEW SECTION. Sec. 24. The code reviser shall prepare and present to the 1992 legislature a bill that corrects references to the liquor control board that are rendered inaccurate by this act.

NEW SECTION. Sec. 25. Sections 1 through 22 of this act shall take effect January 1, 1992.

In line 1 of the title, after "control;" strike the remainder of the title and insert "amending RCW 66.04.010, 66.08.012, 66.08.014, 66.08.020, 66.08.030, 66.08.050, 66.08.150, 66.24.170, 66.24.210, 10.93.020, 19.02.050, 43.03.028, 43.17.010, 43.17.020, 42.17.2401, 43.82.010, and 9.46.0315; adding new sections to chapter 66.08 RCW; creating new sections; repealing RCW 66.08.016; and providing an effective date."

Signed by Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; and Wilson.

Excused: Representatives Vance and Wilson.

Passed to Committee on Rules for second reading.

April 5, 1991

E2SSB 5780 Prime Sponsor, Committee on Ways & Means: Enhancing employment transition programs for developmentally disabled high school students. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 71A.12 RCW to read as follows:

The legislature recognizes that developmentally disabled citizens are active, involved, and contributing community members. The legislature finds that scarce resources limit the state's ability to meet the needs of all unserved developmentally disabled citizens. Due to this limited resource availability, developmentally disabled high school graduates and other adults are often placed on a waiting list for residential services, employment services, or other appropriate day programs. Waiting lists cause developmentally disabled high school graduates and other adults to experience a deterioration in life and work skills. The legislature declares that current waiting lists limit the unserved developmentally disabled citizen's immense potential for contribution to their community.

Effective July 1, 1992, the legislature intends to expand services through the regional disabilities employment function in order to promote an effective transition from school to employment or other community activities for developmentally disabled secondary school students within available resources.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

The secretary shall establish a regional disabilities employment function that shall provide services to promote and enhance effective transition from educational or treatment programs to employment for persons with developmental disabilities, as defined in RCW 71A.10.020. The regional disabilities employment function shall also enhance the use of alternative resources such as social security work incentives and natural supports and promote competitive, integrated employment opportunities in both the public and private sector.

The regional disabilities employment function shall: (1) Develop a package of incentives, offered by application to interested local school districts, that enhance the disabled student's transition from school to work. The incentives may include, but are not limited to, technical assistance and training for teachers or staff, curriculum development, and other measures necessary to promote flexible teaching and educational practices that support the transition to integrated, competitive, and continuing employment; and (2) collaborate with businesses, government agencies, local schools, postsecondary educational institutions, developmental disabilities boards, or other relevant county authorities to develop and encourage collaborative community linkages and partnerships that create placement opportunities, provide mentors and prepare developmentally disabled citizens for the transition from school or treatment programs to work.

The secretary shall contract for this function on a competitive basis from a list provided by the regional disabilities employment advisory councils pursuant to section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 43.20A RCW to read as follows:

(1) The secretary shall appoint regional disabilities employment advisory councils to provide oversight to regional disabilities employment function contractors pursuant to section 2 of this act. Advisory councils shall use a competitive applications process to develop a list of potential regional disabilities employment function contractors from existing community organizations such as individuals, firms, nonprofit organizations, county authorities, or other programs demonstrating proven expertise in supported employment and a willingness to collaborate with county authorities, regional support networks, schools, and other involved parties. Advisory councils shall plan for the

services and community options provided by the regional disabilities employment function contractor pursuant to section 2 of this act.

(2) Members of the advisory council shall include but not be limited to:

(a) Developmentally disabled individuals;

(b) Local secondary school representatives including certificated, administrative, and instructional staff;

(c) Representatives of postsecondary educational institutions;

(d) Representatives of developmental disabilities boards and other relevant county authorities or public agencies; and

(e) Representatives of local businesses and community organizations.

(3) The advisory council shall consist of not more than twenty members.

(4) Members shall be appointed for terms of three years and until their successors are appointed and qualified.

(5) The members of regional advisory councils shall not be compensated for the performance of their duties as members of the council, but may be paid subsistence rates and mileage in the amounts prescribed by RCW 42.24.090.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.155 RCW to read as follows:

(1) The individual education plan for a student with development disabilities as defined under RCW 71A.10.020 shall include transition services beginning not later than when the student reaches age sixteen. The portion of the individual education plan regarding transition services shall be reviewed annually. The plan for transition services shall be developed in conjunction with a regional coordinator of transitional services for developmentally disabled persons, if any. To the extent consistent with an appropriate education for the student, preference shall be given to providing transitional services in a community setting, to the preferences of parents and guardians, and to the student's occupational preferences and interests.

(2) If available and if consistent with an appropriate education for the student and with subsection (1) of this section, a school district, a group of school districts, or special education cooperatives shall contract for the provision of transition services through a regional coordinator of transition services for developmentally disabled persons.

(3) As used in this section, transition services means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to postschool activities, including postsecondary education, vocational education and training, integrated employment including supported employment, continuing and adult education, adult services, independent living, or community participation.

(4) The superintendent of public instruction shall adopt rules as needed to implement this section.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "adding a new section to chapter 71A.12 RCW; adding new sections to chapter 43.20A RCW; adding a new section to chapter 28A.155 RCW; and creating a new section."

Signed by Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Beck; Hargrove; Hochstatter; R. King; and H. Myers.

Excused: Representatives Tate, Assistant Ranking Minority Member; Anderson; and Brekke.

Referred to Committee on Appropriations.

April 4, 1991

E2SSB 5782 Prime Sponsor, Committee on Ways & Means: Providing for rural health care services programs. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; Franklin; Morris; Paris; Prentice; and Sprenkle.

Excused: Representative Paris.

Referred to Committee on Appropriations.

April 2, 1991

ESB 5801 Prime Sponsor, Senator Patterson: Revising state highway routes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A state highway to be known as state route number 19 is established as follows:

Beginning at a junction with state route number 104, thence northerly to a junction with state route number 20 near Old Fort Townsend state park.

Sec. 2. RCW 47.17.115 and 1979 ex.s. c 195 s 1 are each amended to read as follows:

A state highway to be known as state route number 27 is established as follows:

Beginning at a junction with state route number 195 in the vicinity of Pullman, thence northerly to a junction with state route number 271 in the vicinity of Oakesdale; also

From a junction with state route number 271 at Oakesdale, thence ~~((in a))~~ northerly ~~((direction))~~ by way of Tekoa, Latah, Fairfield, and Rockford to a junction with state route number ~~((90))~~ 290 in the vicinity of ~~((Opportunity))~~ Millwood.

NEW SECTION. Sec. 3. A state highway to be known as state route number 96 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Everett, thence easterly to a junction with state route number 9 in the vicinity of Ree's Corner.

NEW SECTION. Sec. 4. A state highway to be known as state route number 100 is established as follows:

Beginning at a junction with state route number 101 in Ilwaco, thence westerly and southerly to Fort Canby state park; also

Beginning at a junction with state route number 100 in Ilwaco, thence southerly to Fort Canby state park.

Sec. 5. RCW 47.17.170 and 1970 ex.s. c 51 s 35 are each amended to read as follows:

A state highway to be known as state route number 103 is established as follows:
Beginning at a junction with state route number 101 at Seaview, thence northerly by ~~((the most feasible route by))~~ way of Long Beach to ~~((Ocean Park))~~ Leadbetter Point state park.

NEW SECTION. Sec. 6. A state highway to be known as state route number 110 is established as follows:

Beginning at a junction with state route number 101 in the vicinity north of Forks, thence westerly to the Olympic national park boundary in the vicinity of La Push; also

Beginning at a junction with state route number 110 near the Quillayute river, thence westerly to the Olympic national park boundary in the vicinity of Moro.

NEW SECTION. Sec. 7. A state highway to be known as state route number 113 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of Sappho, thence northerly to a junction with state route number 112 in the vicinity of the Pysht River.

NEW SECTION. Sec. 8. A state highway to be known as state route number 116 is established as follows:

Beginning at a junction with state route number 19 in the vicinity of Irondale, thence easterly and northerly to Fort Flagler state park.

NEW SECTION. Sec. 9. A state highway to be known as state route number 117 is established as follows:

Beginning at a junction with state route number 101 in Port Angeles, thence northerly to the port of Port Angeles at Marine Drive.

NEW SECTION. Sec. 10. A state highway to be known as state route number 119 is established as follows:

Beginning at a junction with state route number 101 near Hoodspout, thence northwesterly to the Mount Rose development intersection.

Sec. 11. RCW 47.17.225 and 1970 ex.s. c 51 s 46 are each amended to read as follows:

A state highway to be known as state route number 121 is established as follows:

Beginning at a junction with state route number ~~((12))~~ 5 in the vicinity of ~~((Rochester))~~ Maytown, thence easterly ~~((and northeasterly))~~, northerly, and westerly by way of Millersylvania state park to a junction with state route number 5 ~~((in the vicinity of Maytown))~~ south of Tumwater.

NEW SECTION. Sec. 12. A state highway to be known as state route number 122 is established as follows:

Beginning at a junction with state route number 12 near Mayfield dam, thence northeasterly and southerly by way of Mayfield to a junction with state route number 12 in Mossyrock.

Sec. 13. RCW 47.17.255 and 1990 c 108 s 1 are each amended to read as follows:

A state highway to be known as state route number 128 is established as follows:

Beginning at a junction with state route number 12 ~~((at Pomeroy, thence southeasterly to Peola))~~ in Clarkston, thence northeasterly and easterly by way of the Red Wolf crossing to the Idaho state line.

NEW SECTION. Sec. 14. A state highway to be known as state route number 131 is established as follows:

Beginning at the Gifford Pinchot national forest boundary south of Randle, thence northerly to a junction with state route number 12 in Randle.

Sec. 15. RCW 47.17.305 and 1970 ex.s. c 51 s 62 are each amended to read as follows:

A state highway to be known as state route number 160 is established as follows:

Beginning at a junction with state route number 16 (~~(in the vicinity west of)~~ near Port Orchard, thence (northeasterly by way of Port Orchard) easterly to ((Harper and)) the Washington state ferry dock at Point Southworth.

NEW SECTION. Sec. 16. A state highway to be known as state route number 163 is established as follows:

Beginning at a junction with state route number 16 in Tacoma, thence northerly to the Point Defiance ferry terminal.

Sec. 17. RCW 47.17.330 and 1979 ex.s. c 33 s 8 are each amended to read as follows:

A state highway to be known as state route number 167 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Tacoma, thence easterly by way of the vicinity of Puyallup and Sumner, thence northerly by way of the vicinity of Auburn(,) and Kent(~~, Renton, and Bryn Mawr~~) to a junction with state route number 900 (~~(at Seattle)~~) in the vicinity of Renton.

Sec. 18. RCW 47.17.370 and 1979 ex.s. c 192 s 4 are each amended to read as follows:

A state highway to be known as state route number 181 is established as follows:

Beginning at a junction with state route number ((18)) 516 in the vicinity (~~(west of Auburn)) of Kent,~~ thence northerly to a junction with state route number 405 in the vicinity of Tukwila.

Sec. 19. RCW 47.17.375 and 1990 c 108 s 2 are each amended to read as follows:

A state highway to be known as state route number 193 is established as follows:

Beginning at a junction with state route number 128 in the vicinity of the Red Wolf crossing, thence westerly (~~(and northerly by way of Steptoe canyon to a junction of state route number 195 in the vicinity of Colton. Until such time as state route number 193 between Colton and Clarkston is actually constructed on the location adopted by the department, no existing county roads may be maintained or improved by the department as a temporary route of state route number 193))~~ to the port of Wilma.

NEW SECTION. Sec. 20. A state highway to be known as state route number 194 is established as follows:

Beginning at the port of Almota, thence northerly and easterly to a junction with state route number 195 in the vicinity of Pullman.

Sec. 21. RCW 47.17.410 and 1970 ex.s. c 51 s 83 are each amended to read as follows:

A state highway to be known as state route number 207 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Winton, thence northerly to (~~(a junction with state route number 209 at Lake Wenatchee; also~~

~~From that junction with state route number 209 at Lake Wenatchee, thence northwesterly by the most feasible route on the north side of)) Lake Wenatchee ((to Telma)) state park.~~

NEW SECTION. Sec. 22. A state highway to be known as state route number 225 is established as follows:

Beginning at a junction with state route number 224 in Kiona, thence northeasterly by way of Benton City to a junction with state route number 240 near Horn Rapids dam.

Sec. 23. RCW 47.17.460 and 1987 c 199 s 20 are each amended to read as follows:

A state highway to be known as state route number 241 is established as follows:

Beginning at a junction with state route number ((82 east of)) 22 in Mabton, thence northerly and northeasterly by way of Sunnyside(~~, thence northeasterly~~) to a junction with state route number 24.

NEW SECTION. Sec. 24. A state highway to be known as state route number 262 is established as follows:

Beginning at a junction with state route number 26 east of Royal City, thence northerly and easterly to a junction with state route number 17 west of Warden.

NEW SECTION. Sec. 25. A state highway to be known as state route number 263 is established as follows:

Beginning at the port of Windust, thence easterly and northerly to a junction with state route number 260 in Kahlotus.

NEW SECTION. Sec. 26. A state highway to be known as state route number 278 is established as follows:

Beginning at a junction with state route number 27 in Rockford, thence easterly and southerly to the Washington-Idaho boundary.

Sec. 27. RCW 47.17.517 and 1977 ex.s. c 224 s 1 are each amended to read as follows:

A state highway to be known as state route number 285 is established as follows:

Beginning at a junction with state route number 28 in ~~((the))~~ East Wenatchee ~~((vicinity))~~, thence westerly across the Columbia river ~~((to the west pavement seat of the Columbia River bridge at milepost number 123.45))~~ and northwesterly to a junction with state route number 2 in Wenatchee.

Sec. 28. RCW 47.17.550 and 1971 ex.s. c 73 s 14 are each amended to read as follows:

A state highway to be known as state route number 303 is established as follows:

~~((Beginning at a junction with state route number 304 at Bremerton, thence northerly by way of the Manette bridge, across the Port Washington Narrows to a junction with state route number 308 in the vicinity west of Keyport; also))~~

Beginning at a junction with state route number 304 at Bremerton, thence by way of the Warren Avenue bridge across the Port Washington Narrows northerly to a junction with state route number ~~((303, all within Bremerton))~~ 3 in the vicinity north of Silverdale.

NEW SECTION. Sec. 29. A state highway to be known as state route number 307 is established as follows:

Beginning at a junction with state route number 305 at Poulsbo, thence northeasterly to a junction with state route number 104 near Miller Lake.

NEW SECTION. Sec. 30. A state highway to be known as state route number 310 is established as follows:

Beginning at a junction with state route number 3 near Oyster Bay, thence easterly to a junction with state route number 304 in Bremerton.

NEW SECTION. Sec. 31. A state highway to be known as state route number 397 is established as follows:

Beginning at Game Farm Road in the vicinity of Finely, thence northwesterly and northerly across the Columbia River, thence easterly and northerly to a junction with state route number 395 in Pasco.

Sec. 32. RCW 47.17.615 and 1970 ex.s. c 51 s 124 are each amended to read as follows:

A state highway to be known as state route number 411 is established as follows:

Beginning at a junction with state route number ~~((4 in West Kelso))~~ 432 in Longview, thence northerly to a junction with state route number ~~((506 in the vicinity of Vader))~~ 5 at Castle Rock.

Sec. 33. RCW 47.17.625 and 1970 ex.s. c 51 s 126 are each amended to read as follows:

A state highway to be known as state route number 432 is established as follows:

Beginning at a junction with state route number 4 ~~((at))~~ in the vicinity west of Longview, thence southeasterly ~~((by the most feasible route))~~ to a junction with state route number 5 south of Kelso.

Sec. 34. RCW 47.17.630 and 1987 c 199 s 25 are each amended to read as follows:

A state highway to be known as state route number 433 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge at Longview, thence northerly to a junction with state route number 432 in Longview.

Sec. 35. RCW 47.17.650 and 1975 c 63 s 6 are each amended to read as follows:
A state highway to be known as state route number 503 is established as follows:

Beginning at a junction with state route number 500 at Orchards, thence northerly to a junction with state route number 502 at Battle Ground, thence northerly to Amboy, thence northeasterly by way of Cougar to the Cowlitz-Skamania county line; also

Beginning at a junction with state route number 503 in the vicinity of Yale, thence westerly to a junction with state route number 5 in the vicinity of Woodland.

Sec. 36. RCW 47.17.660 and 1970 ex.s. c 51 s 133 are each amended to read as follows:

A state highway to be known as state route number 505 is established as follows:

Beginning ~~((at a junction with state route number 5 west of Toledo))~~ in Winlock, thence via Toledo, easterly and southerly to a junction with state route number 504 in the vicinity north of Toutle.

Sec. 37. RCW 47.17.680 and 1979 ex.s. c 33 s 14 are each amended to read as follows:

A state highway to be known as state route number 509 is established as follows:

Beginning at a junction with state route number 705 at Tacoma, thence northeasterly to a junction with state route number 99 in the vicinity of Redondo; also

From a junction with state route number ~~((99 northeast of Redondo))~~ 516 at Des Moines, thence northerly ~~((via Des Moines))~~ to a junction with state route number 99 in Seattle ~~((: PROVIDED, That until state route number 705 is constructed and open to traffic on an anticipated new alignment, that portion of existing state route number 509 in Tacoma from state route number 5 northerly to the central business district shall remain on the state highway system)).~~

Sec. 38. RCW 47.17.695 and 1971 ex.s. c 73 s 16 are each amended to read as follows:

A state highway to be known as state route number 513 is established as follows:

Beginning at a junction with state route number 520 in Seattle, thence northerly and easterly to the vicinity of Sand Point ~~((, thence northwesterly to a junction with state route number 5 in the vicinity north of Seattle)).~~

NEW SECTION. Sec. 39. A state highway to be known as state route number 519 is established as follows:

Beginning at a junction with state route number 90 in Seattle, thence westerly, and northerly to the Washington state ferry terminal.

NEW SECTION. Sec. 40. A state highway to be known as state route number 523 is established as follows:

Beginning at a junction with state route number 99 and Northeast 145th Street in Seattle, thence easterly to a junction with state route number 522.

Sec. 41. RCW 47.17.730 and 1984 c 7 s 137 are each amended to read as follows:

A state highway to be known as state route number 524 is established as follows:

Beginning at a junction with state route number 104 at Edmonds, thence northeasterly to a junction with state route number 5 in the vicinity of Lynnwood, thence easterly to a junction with state route number ~~((527. Until such times as state route number 524 east of Lynnwood is actually constructed on the location adopted by the department, no existing county roads may be maintained or improved by the department as a temporary route of state route number 524))~~ 522 near Maltby.

Sec. 42. RCW 47.17.752 and 1971 ex.s. c 73 s 19 are each amended to read as follows:

A state highway to be known as state route number 529 is established as follows:

Beginning at a junction with state route number 5 in Everett, thence westerly and northerly through Everett to a junction with state route number 528 in Marysville.

Sec. 43. RCW 47.17.755 and 1983 c 131 s 1 are each amended to read as follows:

A state highway to be known as state route number 530 is established as follows:

Beginning at a junction with state route number 5 (~~(at Conway, thence southerly by way of Stanwood, thence southeasterly to a junction with state route number 5, thence easterly to a junction with state route number 9 at)~~) in the vicinity west of Arlington, thence easterly ((to) and northerly by way of Darrington((-thence northerly)) to a junction with state route number 20 ((at)) in the vicinity of Rockport.

NEW SECTION. Sec. 44. A state highway to be known as state route number 531 is established as follows:

Beginning at Wenberg state park, thence northerly and easterly to a junction with state route number 9 in the vicinity north of Marysville.

NEW SECTION. Sec. 45. A state highway to be known as state route number 548 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Ferndale, thence westerly and northerly to a junction with state route number 5 in Blaine.

Sec. 46. RCW 47.17.824 and 1984 c 197 s 3 are each amended to read as follows:

A state highway to be known as state route number 823 is established as follows:

Beginning at the junction of state route number 82 (~~(at the Selah interchange, thence northerly to a junction with Fasset Avenue)~~) in the vicinity of Selah northerly by way of Selah and easterly to a junction with state route number 821 in the vicinity of the firing center interchange.

Before award of any construction contract for improvements to state route number 823 under either program A or program C, the department of transportation shall secure a portion of the construction cost from the city of Selah or Yakima county, or both.

Sec. 47. RCW 47.17.825 and 1979 ex.s. c 33 s 16 are each amended to read as follows:

A state highway to be known as state route number 900 is established as follows:

Beginning at a junction with state route number ((99)) 5 in Seattle near the Duwamish River, thence (~~(easterly and)~~) southerly by way of Renton to a junction with state route number 90 in the vicinity of Issaquah.

Sec. 48. RCW 47.17.830 and 1971 ex.s. c 73 s 24 are each amended to read as follows:

A state highway to be known as state route number 901 is established as follows:

Beginning at a junction with state route number 90 in the vicinity west of Issaquah, thence northerly to the ((west)) east of Lake Sammamish to a junction with state route number ((908)) 202 in the vicinity of Redmond.

Sec. 49. RCW 47.17.835 and 1970 ex.s. c 51 s 168 are each amended to read as follows: A state highway to be known as state route number 902 is established as follows:

Beginning (~~(in the vicinity of the state custodial school, thence northerly to)~~) at a junction with state route number 90, thence northwesterly, northerly, northeasterly, and easterly, via the town of Medical Lake, ((thence northeasterly and easterly)) to a junction with state route number 90 at a point approximately three miles northeast of Four Lakes.

Sec. 50. RCW 47.17.855 and 1971 ex.s. c 73 s 27 are each amended to read as follows:

A state highway to be known as state route number 908 is established as follows:

Beginning at a junction with state route number ((520, Evergreen Point bridge route, in the vicinity of Northrup Road, thence northerly and easterly in the vicinity of)) 405 in Kirkland, thence easterly to a junction with state route number 202 in the vicinity of Redmond.

NEW SECTION. Sec. 51. A state highway to be known as state route number 971 is established as follows:

Beginning at a junction with state route number 97-alternate in the vicinity of Winesap, thence northerly to Lake Chelan state park, thence southeasterly to a junction with state route number 97-alternate west of Chelan.

Sec. 52. RCW 47.24.020 and 1987 c 68 s 1 are each amended to read as follows:

The jurisdiction, control, and duty of the state and city or town with respect to such streets shall be as follows:

(1) The department has no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes. However, within incorporated cities and towns the title to a state limited access highway vests in the state, and, notwithstanding any other provision of this section, the department shall exercise full jurisdiction, responsibility, and control to and over such facility as provided in chapter 47.52 RCW;

(3) The department has authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and has the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town has the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway. In cities and towns having a population of fifteen thousand or less according to the latest determination of population by the office of financial management, the state, when necessary for public safety, shall assume, at its expense, responsibility for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself. When the population of a city or town reaches fifteen thousand after January 1, 1990, the state shall retain the responsibility for the stability of slopes of cuts and fills and the embankments within the right of way to protect the road itself until the legislature acts upon the findings of the task force created in section 53 of this act or until June 30, 1993, whichever occurs first. The state shall install, maintain, and operate all illuminating facilities on any limited access facility, together with its interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance, and operation incurred after November 1, 1954;

(7) The department has the right to use all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the department, the cost of the facilities shall be borne by the state and/or city as may be mutually agreed upon between the department and the governing body of the city or town;

(8) Cities and towns have exclusive right to grant franchises not in conflict with state laws, over, beneath, and upon such streets, but the department is authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town has granted on such street. No franchise for transportation of passengers in motor vehicles may be granted on such streets without the approval of the department, but the department shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair, and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town has the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the department;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto are subject to the approval of the department before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the department heretofore or within one year after March 21, 1963;

(12) The department shall erect, control, and maintain at state expense all route markers and directional signs, except street signs, on such streets;

(13) The department shall install, operate, maintain, and control at state expense all traffic control signals, signs, and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the office of financial management. Such cities and towns may submit to the department a plan for traffic control signals, signs, and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the department shall consult with the cities or towns concerning the plan before installing such signals, signs, or devices. Cities and towns having a population in excess of fifteen thousand according to the latest determination of population by the office of financial management shall install, maintain, operate, and control such signals, signs, and devices at their own expense, subject to approval of the department for the installation and type only. When the population of a city or town reaches fifteen thousand after January 1, 1990, the state shall retain the responsibility for installing, operating, maintaining, and controlling such signals, signs, and devices until the legislature acts upon the findings of the task force created in section 53 of this act or until June 30, 1993, whichever occurs first. For the purpose of this subsection, striping, lane marking, and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets belongs to the city or town;

(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all such rights of way so acquired shall vest in the city or town: PROVIDED, That no vacation, sale, rental, or any other nontransportation use of any unused portion of any such street may be made by the city or town without the prior written approval of the department; and all revenue derived from sale, vacation, rental, or any nontransportation use of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town fails to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the department for the maintenance of a city or town street forming part of the route of a state highway, the department may notify the mayor of the city or town to perform the necessary maintenance within thirty days. If the city or town within the thirty days fails to perform the maintenance or fails to authorize the department to perform the maintenance as provided by RCW 47.24.050, the department may perform the maintenance, the cost of which is to be deducted from any sums in the motor vehicle fund credited or to be credited to the city or town.

NEW SECTION. Sec. 53. (1) A task force is created to examine the population threshold at which cities and towns must assume additional responsibility for their streets that are part of the state highway system.

(2) The task force shall consist of eight members: (a) Four representatives from the department of transportation, with the assistant secretary for local programs acting as chair; (b) one representative from the association of Washington cities; (c) three city representatives selected by the association of Washington cities.

(3) The task force's study shall included, but is not limited to:

(a) Identifying the population threshold at which cities and towns must assume responsibility for the stability of slopes of cuts and fills, the embankments within the right of way, and traffic signals and other control devices on their streets that are part of the state highway system. The task force shall also determine whether the transfer of responsibilities will be incremental or total.

(b) Assessing a city's ability, including its staffing and technical capabilities, to assume responsibility for maintaining traffic signals and other control devices on their streets that are part of the state highway system.

(4) The task force must submit its findings and recommendations to the legislative transportation committee by July 1, 1992.

Sec. 54. RCW 47.39.020 and 1990 c 240 s 3 are each amended to read as follows:

The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 2, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin;

(2) State route number 3, beginning at a junction with state route number 106 in the vicinity of Belfair, thence in a northeasterly direction to a junction with Arsenal Way south of Bremerton; also

Beginning at a junction of Erlands Point Road north of Bremerton thence northeasterly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(4) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 97 west of Ellensburg;

(5) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynooche river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

Beginning at the Burlington Northern Railroad bridge approximately 3.4 miles west of Dixie, thence in a northerly and easterly direction by way of Dayton, Dodge, and Pomeroy to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

(6) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, thence in an easterly direction by way of Stevenson to a westerly junction with state route number 97 in the vicinity of Maryhill; also

Beginning at the easterly junction with state route number 97 in the vicinity of Maryhill, thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(7) State route number 17, beginning at a junction with state route number 395 in the vicinity of Eltopia, thence in a northwesterly direction to the south end of the overcrossing of state route number 90, in the vicinity of Moses Lake; also

Beginning at a junction with Grape Drive in the vicinity of Moses Lake, thence northwesterly and northerly by way of Soap Lake to a junction with state route number 2 west of Coulee City;

(8) State route number 20, beginning at the Keystone ferry slip on Whidbey Island, thence easterly and northerly to a junction with Rhododendron road in the vicinity east of Coupeville; also

Beginning at a junction with Sherman road in the vicinity west of Coupeville, generally northerly to a junction with Miller road in the vicinity southwest of Oak Harbor; also

Beginning at a junction with Torpedo road in the vicinity northeast of Oak Harbor, thence northerly by way of Deception Pass to a junction with state route number 20 north in the vicinity southeast of Anacortes; also

Beginning at the crossing of Hanson creek approximately 6.0 miles west of Lyman, thence easterly by way of Concrete, Marblemount, Diablo Dam, and Twisp to a junction with state route number 153 southeast of Twisp; also

Beginning at a junction with state route number 21 approximately three miles east of Republic, thence in an easterly direction to a junction with state route number 395 at the west end of the crossing over the Columbia river at Kettle Falls; also

Beginning at a junction with a county road 2.76 miles east of the junction with state route number 395 in Colville, thence in a northeasterly direction to a junction with state route number 31 at Tiger; thence in a southerly direction to a junction with state route number 2 at Newport;

(9) State route number 21, beginning at the Keller ferry slip on the north side of Roosevelt lake, thence in a northerly direction to the crossing of Granite creek approximately fifty-four miles north of the Keller ferry;

(10) State route number 90, beginning at the CMSTPP railroad overcrossing approximately 2.3 miles southeast of North Bend, thence in an easterly direction by way of Snoqualmie pass to the crossing of the Cle Elum river approximately 2.6 miles west of Cle Elum;

(11) State route number 97, beginning at the crossing of the Columbia river at Biggs Rapids, thence in a northerly direction to the westerly junction with state route number 14 in the vicinity of Maryhill;

(12) State route number 101, beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly direction by way of Forks to the west boundary of the Olympic national park in the vicinity of Lake Crescent; also

Beginning at Sequim Bay state park, thence in a southeasterly and southerly direction to a junction with the Airport road north of Shelton; also

Beginning at a junction with state route number 3 south of Shelton, thence in a southerly and southeasterly direction to the west end of the Black Lake road overcrossing in the vicinity northeast of Tumwater;

(13) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal; also

Beginning at a junction with state route number 3 east of the Hood Canal crossing, thence northeasterly to Port Gamble;

(14) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

(15) State route number 106, beginning at a junction with state route number 101 in the vicinity of Union, thence northeasterly to a junction with state route number 3 in the vicinity of Belfair;

(16) State route number 109, beginning at a junction with a county road approximately 3.0 miles northwest of the junction with state route number 101 in Hoquiam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with state route number 101 in the vicinity of Queets;

(17) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number 101;

~~(18) ((State route number 126, beginning at a junction with state route number 12 in the vicinity of Dayton, thence in a northeasterly direction to a junction with state route number 12 in the vicinity west of Pomeroy;~~

~~(19))~~ State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

~~((20))~~ (19) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer City, thence in a northwesterly direction to the west end of the crossing of Omak creek east of Omak;

~~((21))~~ (20) State route number 206, Mt. Spokane Park Drive, beginning at a junction with state route number 2 near the north line of section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park;

~~((22))~~ (21) State route number 395, beginning at a point approximately 2.6 miles north of Pasco thence in a northerly direction to a junction with state route number 17 in the vicinity of Eltopia; also

Beginning at the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number 20 at the west end of the crossing over the Columbia river at Kettle Falls;

~~((23))~~ (22) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle;

~~((24))~~ (23) State route number 504, beginning at a junction with state route number 5 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens and Spirit lake to Mt. St. Helens;

~~((25))~~ (24) State route number 525, beginning at a junction with Maxwellton road in the southern portion of Whidbey Island, thence northwesterly to a junction with state route number 20 east of the Keystone ferry slip;

~~((26))~~ (25) State route number 542, beginning at the Nugent crossing over the Nooksack river approximately 7.7 miles northeast of Bellingham, thence easterly to the vicinity of Austin pass in Whatcom county;

~~((27))~~ (26) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange;

~~((28))~~ (27) State route number 901, beginning at a junction with state route number 90 in the vicinity west of Issaquah, thence northerly to the ~~((west)) east~~ of Lake Sammamish to a junction with state route number ~~((908)) 202~~ in the vicinity of Redmond. ~~((If the description of state route number 901 is changed after June 7, 1990, the revised route shall retain its status as part of the scenic and recreational highway system.))~~

NEW SECTION. Sec. 55. Although not part of the state highway system, the bridges designated in this section shall remain the continuing responsibility of the Washington state department of transportation. Continuing responsibility includes all structural maintenance, repair, and replacement of the substructure, superstructure, and roadway deck. Local agencies are responsible for snow and ice control, sweeping, striping, lane marking, and channelization.

Facility	State of Washington Inventory of Bridges and Structures (SWIBS) Number
S. Fork Skykomish River Bridge	WN-002000487032
Manette Bridge	WN-303250032700
Grays River Bridge (Rosburg)	WN-403000064300
Elochoman Bridge	WN-407000023300

Sec. 56. RCW 46.68.090 and 1990 c 42 s 102 are each amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for the following purposes:

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly;

(c) From April 1, 1992, through March 31, 1996, for distribution to the transfer relief account, hereby created in the motor vehicle fund, an amount not to exceed three hundred twenty-five one-thousandths of one percent;

(d) For distribution to the rural arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(2) and 46.68.095(3);

((d)) (e) For distribution to the urban arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(3);

((e)) (f) For distribution to the transportation improvement account in the motor vehicle fund, an amount as provided in RCW 46.68.095(1);

((f)) (g) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount as provided in RCW 46.68.095(2);

((g)) (h) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund, an amount as provided in RCW 46.68.095(4);

((h)) (i) For distribution to the motor vehicle fund to be allocated to cities and towns as provided in RCW 46.68.110, an amount as provided in RCW 46.68.095(5);

((i)) (j) For distribution to the motor vehicle fund to be allocated to counties as provided in RCW 46.68.120, an amount as provided in RCW 46.68.095(6);

((j)) (k) For expenditure for highway purposes of the state as defined in RCW 46.68.130, an amount as provided in RCW 82.36.025(4) and 46.68.095(7).

(2) The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the special fuel tax and remaining after payments, distributions, and expenditures as provided in this section shall, for the purposes of this chapter, be referred to as the "net tax amount."

Sec. 57. RCW 82.36.025 and 1990 c 42 s 101 are each amended to read as follows:

The motor vehicle fuel tax rate shall be computed as the sum of the tax rate provided in subsection (1) of this section and the additional tax rates provided in subsections (2) through (5) of this section.

(1) A motor vehicle fuel tax rate of seventeen cents per gallon shall apply to the sale, distribution, or use of motor vehicle fuel.

(2) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this

additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) (a) ~~((and)), (b), and (c)~~ multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the rural arterial trust account in the motor vehicle fund for expenditures under RCW 36.79.020.

(3) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) (a) ~~((and)), (b), and (c)~~ multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the urban arterial trust account in the motor vehicle fund.

(4) An additional motor vehicle fuel tax rate of one-third cent per gallon shall be applied to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) (a) ~~((and)), (b), and (c)~~ multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the motor vehicle fund to be expended for highway purposes of the state as defined in RCW 46.68.130.

(5) An additional motor vehicle fuel tax rate of four cents per gallon from April 1, 1990, through March 31, 1991, and five cents per gallon from April 1, 1991, applies to the sale, distribution, or use of motor vehicle fuel. The proceeds from the additional tax rate under this subsection, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) (a) ~~((and)), (b), and (c)~~ multiplied by the additional tax rate prescribed by this subsection divided by the motor fuel tax rate provided in this section, shall be deposited in the motor vehicle fund and shall be distributed by the state treasurer according to RCW 46.68.095.

NEW SECTION. Sec. 58. The sum of two million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the transfer relief account to the department of transportation for the purposes of implementing the road jurisdiction study recommendations for funding assistance related to jurisdictional transfers.

Sec. 59. RCW 46.68.110 and 1989 1st ex.s. c 6 s 41 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) ~~((From July 1, 1987, through June 30, 1989,))~~ Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) ~~((From July 1, 1989, through June 30, 1991, thirty three one hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not~~

~~expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made))~~ From April 1, 1992, two percent of such funds shall be deducted monthly, as such funds accrue, to be deposited in the city hardship assistance account, hereby created in the motor vehicle fund, to implement the city hardship assistance program, as provided in section 60 of this act;

(4) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

NEW SECTION. Sec. 60. A new section is added to chapter 47.26 RCW to read as follows:

The board shall adopt reasonable rules necessary to implement the city hardship assistance program as recommended by the road jurisdiction study.

The following criteria shall be used to implement the program:

(1) Only those cities with a net gain in cost responsibility due to jurisdictional transfers in chapter ..., Laws of 1991 (this act), as determined by the board, may participate;

(2) Cities with populations of fifteen thousand or less, as determined by the office of financial management, may participate;

(3) The board shall develop criteria and procedures under which eligible cities may request funding for rehabilitation projects on city streets acquired under chapter ..., Laws of 1991 (this act); and

(4) The board shall also be authorized to allocate funds from the hardship account to cities with a population under twenty thousand to offset extraordinary costs associated with the transfer of roadways other than pursuant to chapter ..., Laws of 1991 (this act), that occur after January 1, 1991.

NEW SECTION. Sec. 61. The sum of seven hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the city hardship assistance account to the transportation improvement board for the purpose of implementing the city hardship assistance program as provided in section 60 of this act.

NEW SECTION. Sec. 62. A new section is added to chapter 47.26 RCW to read as follows:

The legislature recognizes the need for a multijurisdictional body to review future requests for jurisdictional transfers. The board is hereby directed, beginning September 1, 1991, to receive petitions from cities, counties, or the state requesting any addition or deletion from the state highway system. The board is required to utilize the criteria established in RCW 47.17.001 in evaluating petitions and to adopt rules for implementation of this process. The board shall forward to the legislative transportation committee by November 15 each year any recommended jurisdictional transfers.

NEW SECTION. Sec. 63. A new section is added to chapter 47.26 RCW to read as follows:

In addition to any other reports required by law, by August 1, 1991, the board shall submit to the legislative transportation committee a report setting forth its plans for implementing sections 60 and 62 of this act.

Sec. 64. RCW 46.68.120 and 1989 1st ex.s. c 6 s 42 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs

for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) (~~From July 1, 1987, through June 30, 1989,~~) Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;

(4) (~~From July 1, 1989, through June 30, 1991, thirty three one hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;~~

(5)) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

NEW SECTION. Sec. 65. The following acts or parts of acts are each repealed:

- (1) RCW 47.17.245 and 1970 ex.s. c 51 s 50;
- (2) RCW 47.17.270 and 1970 ex.s. c 51 s 55;
- (3) RCW 47.17.415 and 1970 ex.s. c 51 s 84;
- (4) RCW 47.17.420 and 1971 ex.s. c 73 s 11 & 1970 ex.s. c 51 s 85;
- (5) RCW 47.17.450 and 1979 ex.s. c 33 s 12 & 1970 ex.s. c 51 s 91;
- (6) RCW 47.17.453 and 1975 c 63 s 11;
- (7) RCW 47.17.555 and 1970 ex.s. c 51 s 112;
- (8) RCW 47.17.590 and 1970 ex.s. c 51 s 119;
- (9) RCW 47.17.600 and 1970 ex.s. c 51 s 121;
- (10) RCW 47.17.620 and 1970 ex.s. c 51 s 125;
- (11) RCW 47.17.700 and 1971 ex.s. c 73 s 17 & 1970 ex.s. c 51 s 141; and
- (12) RCW 47.17.810 and 1970 ex.s. c 51 s 163.

NEW SECTION. Sec. 66. Sections 1, 3, 4, 6 through 10, 12, 14, 16, 20, 22, 24 through 26, 29 through 31, 39, 40, 44, 45, 51, and 55 of this act are each added to chapter 47.17 RCW.

NEW SECTION. Sec. 67. Prior to expending any amounts of the appropriation in section 58, chapter --, Laws of 1991 (section 58 of this act), the department of transportation shall, in cooperation with the association of Washington cities and the Washington state association of counties, establish rules governing the transfer relief account.

NEW SECTION. Sec. 68. (1) Sections 62 and 63 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1991.

(2) The remainder of this act shall take effect April 1, 1992.

In line 1 of the title, after "routes;" strike the remainder of the title, and insert "amending RCW 47.17.115, 47.17.170, 47.17.225, 47.17.255, 47.17.305, 47.17.330, 47.17.370, 47.17.375, 47.17.410, 47.17.460, 47.17.517, 47.17.550, 47.17.615, 47.17.625, 47.17.630, 47.17.650, 47.17.660, 47.17.680, 47.17.695, 47.17.730, 47.17.752, 47.17.755, 47.17.824, 47.17.825, 42.17.830, 42.17.835, 47.17.855, 47.24.020, 47.39.020, 46.68.090, 82.36.025, 46.68.110, and 46.68.120; adding new sections to chapter 47.17 RCW; adding new sections to chapter 47.26 RCW; creating new sections; repealing RCW 47.17.245,

47.17.270, 47.17.415, 47.17.420, 47.17.450, 47.17.453, 47.17.555, 47.17.590, 47.17.600, 47.17.620, 47.17.700, and 47.17.810; making appropriations; providing effective dates; and declaring an emergency."

Signed by Representatives R. Fisher, Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Brough; Cantwell; Cooper; Day; Haugen; Horn; R. Johnson; Jones; Kremen; Mitchell; Nelson; Orr; Prince; Schmidt; Wilson; Wood; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives G. Fisher; Former; P. Johnson; and Prentice.

Excused: Representatives Basich; Kremen; and R. Meyers.

Passed to Committee on Rules for second reading.

April 5, 1991

SSB 5807 Prime Sponsor, Committee on Agriculture & Water Resources: Modifying provisions for transfer or change of a right related to public water. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Fraser; Hargrove; Riley; Sheldon; and Wynne.

MINORITY recommendation: Without recommendation. Signed by Representative Morton.

Passed to Committee on Rules for second reading.

April 5, 1991

ESSB 5810 Prime Sponsor, Committee on Governmental Operations: Creating state-wide affordable housing. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This act may be known and cited as the affordable housing act.

NEW SECTION. Sec. 2. (1) The legislature finds and declares that there is a tremendous unmet need for new housing to shelter Washington's population. The unmet housing needs will be further aggravated by the severe cutbacks in federal housing programs.

(2) The legislature finds and declares that our existing housing resources are vastly underutilized due in large part to the changes in social patterns. The improved utilization of this state's existing housing resources offers an innovative and cost-effective solution to this housing crisis.

(3) The legislature finds and declares that the state has a role in increasing the utilization of our housing resources and in reducing the barriers to the provision of affordable housing.

(4) The legislature finds and declares that there are many benefits associated with the creation of second-family residential units on existing single-family lots, which include:

(a) Providing a cost-effective means of serving development through the use of existing infrastructures, as contrasted to requiring the construction of new costly infrastructures to serve development in undeveloped areas; and

(b) Providing relatively affordable housing for low and moderate-income households without public subsidy.

NEW SECTION. Sec. 3. A new section is added to chapter 35.63 RCW to read as follows:

Each city may issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence.

NEW SECTION. Sec. 4. A new section is added to chapter 35A.63 RCW to read as follows:

Each code city may issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence.

NEW SECTION. Sec. 5. A new section is added to chapter 36.70 RCW to read as follows:

Each county may issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence.

NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW to read as follows:

Each city and county may issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence.

NEW SECTION. Sec. 7. A new section is added to chapter 35.63 RCW to read as follows:

(1) Each city may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones consistent with all of the following provisions:

(a) Areas may be designated within the jurisdiction of each city where second units may be permitted;

(b) The designation of areas may be based on criteria, which may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow;

(c) Each city may find that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot;

(d) The second units created shall not be considered in the application of any local ordinance, policy, or program to limit residential growth; and

(e) Each city may establish a process for the issuance of a conditional use permit for second units. Before a city designates areas within the city where second units may be permitted, it shall provide neighborhood groups an opportunity to submit a neighborhood plan that addresses how the impacts of second units on parking and other matters may be mitigated. The city shall assist neighborhood groups with the development of the plan when possible.

(2) When a city with a population of at least twenty thousand which has not adopted an ordinance governing second units in accordance with subsection (1) of this section

receives its first application on or after July 1, 1994, for a conditional use permit pursuant to this subsection, it shall accept the application and approve or disapprove the application pursuant to this subsection unless it adopts an ordinance in accordance with subsection (1) of this section within one hundred twenty days after receiving the application. Each city shall grant a special use or a conditional use permit for the creation of a second unit if the second unit complies with all of the following:

- (a) The unit is not intended for sale and may be rented;
- (b) The lot is zoned for single-family or multifamily use;
- (c) The lot contains an existing single-family dwelling;
- (d) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling;
- (e) Any construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located;
- (f) Local building code requirements which apply to detached dwellings, as appropriate; and
- (g) Approval by the local health officer where a private sewage disposal system is being used, if required.

A city is not required to grant special use or conditional use permits under this section for failing to adopt an ordinance authorizing the siting of secondary units if the city makes a finding that adequate affordable housing exists within the city, or that adequate affordable housing will be provided through increased densities or other means.

(3)(a) Subsection (2) of this section establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in subsection (1) or (2) of this section, shall be utilized or imposed, except that a city may require an applicant for a permit issued pursuant to subsection (2) of this section to be an owner-occupant.

(b) This subsection does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(c) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subsection. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subsection.

(d) A second unit which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(e) A city shall not adopt an ordinance which totally precludes second units within single-family and multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

NEW SECTION. Sec. 8. A new section is added to chapter 35A.63 RCW to read as follows:

(1) Each code city may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones consistent with all of the following provisions:

(a) Areas may be designated within the jurisdiction of each code city where second units may be permitted;

(b) The designation of areas may be based on criteria, which may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow;

(c) Each code city may find that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot;

(d) The second units created shall not be considered in the application of any local ordinance, policy, or program to limit residential growth; and

(e) Each code city may establish a process for the issuance of a conditional use permit for second units. Before a city designates areas within the city where second units may be permitted, it shall provide neighborhood groups an opportunity to submit a neighborhood plan that addresses how the impacts of second units on parking and other matters may be mitigated. The city shall assist neighborhood groups with the development of the plan when possible.

(2) When a code city with a population of at least twenty thousand which has not adopted an ordinance governing second units in accordance with subsection (1) of this section receives its first application on or after July 1, 1994, for a conditional use permit pursuant to this subsection, it shall accept the application and approve or disapprove the application pursuant to this subsection unless it adopts an ordinance in accordance with subsection (1) of this section within one hundred twenty days after receiving the application. Each code city shall grant a special use or a conditional use permit for the creation of a second unit if the second unit complies with all of the following:

(a) The unit is not intended for sale and may be rented;

(b) The lot is zoned for single-family or multifamily use;

(c) The lot contains an existing single-family dwelling;

(d) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling;

(e) Any construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located;

(f) Local building code requirements which apply to detached dwellings, as appropriate; and

(g) Approval by the local health officer where a private sewage disposal system is being used, if required.

A city is not required to grant special use or conditional use permits under this section for failing to adopt an ordinance authorizing the siting of secondary units if the city makes a finding that adequate affordable housing exists within the city, or that adequate affordable housing will be provided through increased densities or other means.

(3)(a) Subsection (2) of this section establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in subsection (1) or (2) of this section, shall be utilized or imposed, except that a code city may require an applicant for a permit issued pursuant to subsection (2) of this section to be an owner-occupant.

(b) This subsection does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(c) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subsection. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or

other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subsection.

(d) A second unit which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(e) A code city shall not adopt an ordinance which totally precludes second units within single-family and multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

NEW SECTION. Sec. 9. A new section is added to chapter 36.70 RCW to read as follows:

(1) Each county may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones consistent with all of the following provisions:

(a) Areas may be designated within the jurisdiction of each county where second units may be permitted;

(b) The designation of areas may be based on criteria, which may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow;

(c) Each county may find that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot;

(d) The second units created shall not be considered in the application of any local ordinance, policy, or program to limit residential growth; and

(e) Each county may establish a process for the issuance of a conditional use permit for second units. Before a city designates areas within the county where second units may be permitted, it shall provide neighborhood groups an opportunity to submit a neighborhood plan that addresses how the impacts of second units on parking and other matters may be mitigated. The county shall assist neighborhood groups with the development of the plan when possible.

(2) When a county with a population of at least one hundred twenty-five thousand which has not adopted an ordinance governing second units in accordance with subsection (1) of this section receives its first application on or after July 1, 1994, for a conditional use permit pursuant to this subsection, it shall accept the application and approve or disapprove the application pursuant to this subsection unless it adopts an ordinance in accordance with subsection (1) of this section within one hundred twenty days after receiving the application. Each county shall grant a special use or a conditional use permit for the creation of a second unit if the second unit complies with all of the following:

(a) The unit is not intended for sale and may be rented;

(b) The lot is zoned for single-family or multifamily use;

(c) The lot contains an existing single-family dwelling;

(d) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling;

(e) Any construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located;

(f) Local building code requirements which apply to detached dwellings, as appropriate; and

(g) Approval by the local health officer where a private sewage disposal system is being used, if required.

A county is not required to grant special use or conditional use permits under this section for failing to adopt an ordinance authorizing the siting of secondary units if the county makes a finding that adequate affordable housing exists within the county, or that adequate affordable housing will be provided through increased densities or other means.

(3)(a) Subsection (2) of this section establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in subsection (1) or (2) of this section, shall be utilized or imposed, except that a county may require an applicant for a permit issued pursuant to subsection (2) of this section to be an owner-occupant.

(b) This subsection does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(c) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subsection. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subsection.

(d) A second unit which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(e) A county shall not adopt an ordinance which totally precludes second units within single-family and multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

NEW SECTION. Sec. 10. A new section is added to chapter 36.70A RCW to read as follows:

(1) Each city and county may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones consistent with all of the following provisions:

(a) Areas may be designated within the jurisdiction of each city and county where second units may be permitted;

(b) The designation of areas may be based on criteria, which may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow;

(c) Each city and county may find that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot;

(d) The second units created shall not be considered in the application of any local ordinance, policy, or program to limit residential growth; and

(e) Each city and county may establish a process for the issuance of a conditional use permit for second units. Before a city or county designates areas within the city or county where second units may be permitted, it shall provide neighborhood groups with an opportunity to submit a neighborhood plan that addresses how the impacts of second

units on parking and other matters may be mitigated. The county shall assist neighborhood groups with the development of the plan when possible.

(2) When a city with a population of at least twenty thousand or a county with a population of at least one hundred twenty-five thousand which has not adopted an ordinance governing second units in accordance with subsection (1) of this section receives its first application on or after July 1, 1994, for a conditional use permit pursuant to this subsection, it shall accept the application and approve or disapprove the application pursuant to this subsection unless it adopts an ordinance in accordance with subsection (1) of this section within one hundred twenty days after receiving the application. Each city or county shall grant a special use or a conditional use permit for the creation of a second unit if the second unit complies with all of the following:

(a) The unit is not intended for sale and may be rented;

(b) The lot is zoned for single-family or multifamily use;

(c) The lot contains an existing single-family dwelling;

(d) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling;

(e) Any construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located;

(f) Local building code requirements which apply to detached dwellings, as appropriate; and

(g) Approval by the local health officer where a private sewage disposal system is being used, if required.

A city or county is not required to grant special use or conditional use permits under this section for failing to adopt an ordinance authorizing the siting of secondary units if the city or county makes a finding that adequate affordable housing exists within the city or county, or that adequate affordable housing will be provided through increased densities or other means.

(3)(a) Subsection (2) of this section establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in subsection (1) or (2) of this section, shall be utilized or imposed, except that a city and county may require an applicant for a permit issued pursuant to subsection (2) of this section to be an owner-occupant.

(b) This subsection does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(c) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subsection. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subsection.

(d) A second unit which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(e) A city or county shall not adopt an ordinance which totally precludes second units within single-family and multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

(4) The designation of areas by a city or county where second units may be permitted shall constitute evidence that a city or county is making progress in meeting its fair share affordable housing goals. For purposes of this section, "fair share affordable housing goals" means a goal established pursuant to a regional policy plan process for each city and county that is required or chooses to plan under RCW 36.70A.040.

On page 1, line 1 of the title, after "housing;" strike the remainder of the title and insert "adding new sections to chapter 35.63 RCW; adding new sections to chapter 35A.63 RCW; adding new sections to chapter 36.70 RCW; adding new sections to chapter 36.70A RCW; and creating new sections."

Signed by Representatives Nelson, Chair; Franklin, Vice Chair; Mitchell, Ranking Minority Member; Winsley, Assistant Ranking Minority Member; Leonard; and Ogdén.

Excused: Representatives Ballard and Wineberry.

Passed to Committee on Rules for second reading.

April 5, 1991

SB 5816 Prime Sponsor, Senator McCaslin: Allowing the county to award to multiple bidders for the procurement of road maintenance materials. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 36.32 RCW to read as follows:

A county when calling for competitive bids for the procurement of road maintenance materials may award to multiple bidders for the same commodity when the bid specifications provide for the factors of haul distance to be included in the determination of which vendor is truly the lowest price to the county. The county may advertise for additional bidders and vendors if it deems it necessary in the public interest.

NEW SECTION. Sec. 2. A new section is added to chapter 36.88 RCW to read as follows:

At its option, a county may include the value of right of way or property that is donated or given to the county for purposes of an improvement to be financed by a road improvement district, together with the costs of acquiring other rights of way or property for the improvement that was not donated or given to the county, in the costs of the improvement and credit or reduce the assessments imposed on benefited property for the value of the right of way or property that the owner of the benefited property donated or gave to the county for the improvement.

Sec. 3. RCW 36.70.540 and 1963 c 4 s 36.70.540 are each amended to read as follows:

Whenever a ((board)) county legislative authority has approved by motion and certified all or part of a comprehensive plan, no ((street)) road, square, park or other public ground or open space shall be acquired by dedication or otherwise((, no street shall be disposed of, closed or abandoned,)) and no public building or structure shall be constructed or authorized to be constructed in the area to which the comprehensive plan applies until its location, purpose and extent has been submitted to and reported upon by

the planning agency. The report by the planning agency shall set forth the manner and the degree to which the proposed project does or does not conform to the objectives of the comprehensive plan. If final authority is vested by law in some governmental officer or body other than the ((board)) county legislative authority, such officer or governmental body shall report the project to the planning agency and the planning agency shall render its report to such officer or governmental body. In both cases the report of the planning agency shall be advisory only. Failure of the planning agency to report on such matter so referred to it within forty days or such longer time as the ((board)) county legislative authority or other governmental officer or body may indicate, shall be deemed to be approval.

Sec. 4. RCW 47.76.030 and 1990 c 43 s 11 are each amended to read as follows:

(1) The essential rail assistance account is hereby created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys appropriated from the account to the department of transportation may be distributed by the department to first class cities, county rail districts, counties, and port districts for the purpose of:

(a) Acquiring, maintaining, or improving branch rail lines;

(b) Operating railroad equipment necessary to maintain essential rail service;

(c) Construction of transloading facilities to increase business on light density lines or to mitigate the impacts of abandonment; or

(d) Preservation, including operation, of viable light density lines, as identified by the Washington state department of transportation, in compliance with this chapter.

(3) First class cities, county rail districts, counties, and port districts may grant franchises to private railroads for the right to operate on lines acquired, repaired, or improved under this chapter.

(4) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or compensation has been made to the underlying fee title holder or reversionary rights holder.

(5) Moneys distributed under subsection (2) of this section shall not exceed eighty percent of the cost of the service or project undertaken. At least twenty percent of the cost shall be provided by the first class city, county, port district, or other local sources.

(6) The amount distributed under this section shall be repaid to the state by the first class city, county rail district, county, or port district. The repayment shall occur within a period not longer than fifteen years, as set by the department, of the distribution of the moneys and shall be deposited in the essential rail assistance account. The repayment schedule and rate of interest, if any, shall be set at the time of the distribution of the moneys.

(7) All earnings of investments of balances in the essential rail assistance account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.

Sec. 5. RCW 47.76.040 and 1985 c 432 s 3 are each amended to read as follows:

The department shall sell property acquired under RCW 47.76.030 to a county rail district established under chapter 36.60 RCW, a county, a port district, or any other public or private entity authorized to operate rail service. Any public or private entity which originally donated funds to the department pursuant to RCW 47.76.030 shall receive credit against the purchase price for the amount donated to the department, less management costs, in the event such public or private entity purchases the property from the department.

If no county rail district, county, port district, or other public or private entity authorized to operate rail service offers to purchase such property within six years after

its acquisition by the department, the department may sell such property in the manner provided in RCW 47.76.050. Failing this, the department may sell or convey all such property in the manner provided in RCW 47.76.060 or 47.76.080.

Sec. 6. RCW 47.76.160 and 1990 c 43 s 7 are each amended to read as follows:

(1) The essential rail banking account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes specified in this section.

(2) Moneys in the account may be used by the department to:

(a) Purchase unused rail rights of way; or

(b) Provide up to eighty percent of the funding through loans to first class cities, port districts, counties, and county rail districts to purchase unused rail rights of way.

(3) Use of the moneys pursuant to subsection (2) of this section shall be for rights of way that meet the following criteria:

(a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to this chapter;

(b) The right of way may be or has been abandoned;

(c) The right of way has potential for future rail service; and

(d) Reestablishment of rail service would benefit the state of Washington; and this benefit shall be based on the public and private costs and benefits of reestablishing the service compared with alternative service including necessary road improvement costs, or of taking no action.

Funds in the account may be expended for this purpose only with legislative appropriation. Funds for acquisition of any line shall be expended only after obtaining the approval of the legislative transportation committee. The department may also expend funds from the receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.040. The department or the participating local jurisdiction shall be responsible for maintaining the right of way, including provisions for fire and weed control and for liability associated with ownership. Nothing in this section and in RCW 47.76.140 and 47.76.030 shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.

(4) All earnings of investments of balances in the essential rail banking account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.

On page 1, line 1 of the title, after "counties;" strike the remainder of the title and insert "amending RCW 36.70.540, 47.76.030, 47.76.040, and 47.76.160; adding a new section to chapter 36.32 RCW; and adding a new section to chapter 36.88 RCW."

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Passed to Committee on Rules for second reading.

April 4, 1991

SB 5821

Prime Sponsor, Senator Craswell: Modifying provisions relating to the creation of air pollution control authorities. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.94.053 and 1987 c 505 s 60 and 1987 c 109 s 34 are each reenacted and amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) Except as provided in section 2 of this act, all authorities which are presently or may hereafter be within counties of the first class, class A or class AA, are hereby designated as activated authorities and shall carry out the duties and exercise the powers provided in this chapter. Those authorities hereby activated which encompass contiguous counties located in one or the other of the two major areas determined in RCW 70.94.011 are declared to be and directed to function as a multicounty authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or county commissioners or other officers as is provided in RCW 70.94.100. The first meeting of the boards of those authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.

(5) The department is directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:

(a) The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.

(b) The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.

(c) The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.

NEW SECTION. Sec. 2. A new section is added to chapter 70.94 RCW to read as follows:

(1) Any county that is part of a multicounty authority, pursuant to RCW 70.94.053, may withdraw from the multicounty authority after January 1, 1992, if the county wishes to provide for air quality protection and regulation by an alternate air quality authority. The county shall:

(a) Create its own single county authority;

(b) Join another existing multicounty authority with which its boundaries are contiguous;

(c) Join with one or more contiguous inactive authorities to operate as a new multicounty authority; or

(d) Become an inactive authority and subject to regulation by the department of ecology.

(2) In order to withdraw from an existing multicounty authority, the county shall comply with the following:

(a) The majority consent of the governing body of the withdrawing county and the existing multicounty authority and any other counties or authorities that are to be joined is necessary; and

(b) Make arrangements for payment at fair market value to the multicounty authority it is withdrawing from, for all in-place assets, monitors, equipment, and property, and pay all indebtedness thereto, and release any and all interest in and to the real and personal property of the multicounty authority.

(3) In order to effectuate any of the alternate arrangements in subsection (1) of this section, the procedures of this chapter to create an air pollution control authority shall be met and the actions must be taken at least six months prior to the effective date of withdrawal. The rules of the original multicounty authority shall continue in force for the withdrawing county until such time as all conditions to create an air pollution control authority have been met and payment for the equipment and property and all indebtedness has been made.

(4) At the effective date of the county's withdrawal, the remaining counties shall reorganize and reconstitute the legislative authority pursuant to this chapter. The air pollution control regulations of the existing multicounty authority shall remain in force and effect after the reorganization.

(5) If a county elects to withdraw from an existing multicounty authority, the air pollution control regulations shall remain in effect for the withdrawing county until suspended by the adoption of rules, regulations, or ordinances adopted under one of the alternatives of subsection (1) of this section.

On page 1, line 2 of the title, after "authorities;" strike the remainder of the title and insert "reenacting and amending RCW 70.94.053; and adding a new section to chapter 70.94 RCW."

Signed by Representatives Rust, Chair; Valle, Vice Chair; Horn, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; Bray; Brekke; G. Fisher; Neher; Phillips; Pruitt; D. Sommers; Sprengle; and Van Luven.

Passed to Committee on Rules for second reading.

April 4, 1991

ESB 5824 Prime Sponsor, Senator Saling: Changing provisions relating to the funding of community college summer courses. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Ogden, Vice Chair; Wood, Ranking Minority Member; May, Assistant Ranking Minority Member; Basich; Dellwo; Fraser; Ludwig; Miller; Prince; Sheldon; Spanel; and Van Luven.

Excused: Representatives Basich; Fraser; and Prince.

Referred to Committee on Appropriations.

April 3, 1991

ESSB 5825 Prime Sponsor, Committee on Law & Justice: Restricting offenders' possession of firearms. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; and H. Myers.

Excused: Representative R. King.

Passed to Committee on Rules for second reading.

April 4, 1991

2SSB 5830 Prime Sponsor, Committee on Ways & Means: Creating gang risk intervention pilot programs. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Passed to Committee on Rules for second reading.

April 2, 1991

SB 5834 Prime Sponsor, Senator McCaslin: Updating archiving methods. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment: On page 1, line 14, after "shall" insert "administer the division and"

Signed by Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5835 Prime Sponsor, Committee on Law & Justice: Giving the parks and recreation commission responsibility for signs on aerial ski lifts. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Hargrove; Morton; Riley; Sheldon; and Wynne.

Passed to Committee on Rules for second reading.

April 5, 1991

ESSB 5837 Prime Sponsor, Committee on Commerce & Labor: Revising provisions for industrial insurance and employment compensation coverage. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 51.08 RCW to read as follows:

(1) "Employment," subject only to the provisions of this title, means personal service, of whatever nature, unlimited by the relationship of master and servant as known to the common law or any other legal relationship, including service in interstate commerce, performed for wages or under contract calling for the performance of personal services, written or oral, express or implied.

Except as expressly provided in this title, personal services are considered employment by the employer if the personal services are performed for an employing unit by one or more contractors or subcontractors, acting individually or as a partnership, and do not meet the provisions of subsection (2) of this section. However, the contractor or subcontractor is an employer under this title with respect to personal services performed by individuals for the contractor or subcontractor.

(2) Services performed by an individual in the course of employment by an employer under this title, whether by way of manual labor or otherwise, including all services performed by an individual for remuneration constitute employment unless and until it is shown to the satisfaction of the department that:

(a) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract of service and in fact; and

(b) The service is either outside the usual course of business for which the service is performed, or the service is performed outside all of the places of business of the enterprise for which the service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(c) The individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or the individual has a principal place of business for the business the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(d) The individual is filing a schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(e) The individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(f) The individual maintains a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting.

Sec. 2. RCW 51.08.070 and 1981 c 128 s 1 are each amended to read as follows:

"Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any work covered by the provisions of this title, by way of trade or business, or who contracts ~~((with one or more workers, the essence of which is the personal labor of such worker or workers))~~ or agrees to remunerate the services performed by an individual, as provided in section 1 of this act.

For the purposes of this title, a contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW is not an employer when:

(1) Contracting with any other person, firm, or corporation currently engaging in a business which is, at the time of signature of the contract and during all periods of performance, registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW;

(2) The person, firm, or corporation has a principal place of business which would be eligible for a business deduction for internal revenue service tax purposes other than that furnished by the contractor for which the business has contracted to furnish services;

(3) The person, firm, or corporation maintains a separate set of books or records that reflect all items of income and expenses of the business; and

(4) The work which the person, firm, or corporation has contracted to perform is:

(a) The work of a contractor as defined in RCW 18.27.010; or

(b) The work of installing wires or equipment to convey electric current or installing apparatus to be operated by such current as it pertains to the electrical industry as described in chapter 19.28 RCW.

Sec. 3. RCW 51.08.180 and 1987 c 175 s 3 are each amended to read as follows:

(1) "Worker" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his or her employment; ~~((also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his or her personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his or her employment))~~ and includes all individuals who, for remuneration, perform any services, as provided in section 1 of this act, for any person, body of persons, corporate or otherwise, or the legal representative thereof: PROVIDED, That a person is not a worker for the purpose of this title, with respect to his or her activities attendant to operating a truck which he or she owns, and which is leased to a common or contract carrier.

(2) For the purposes of this title, any person, firm, or corporation currently engaging in a business which is registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW is not a worker when:

(a) Contracting to perform ~~((work))~~ services for any other contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW;

(b) The person, firm, or corporation has a principal place of business which would be eligible for a business deduction for internal revenue service tax purposes other than that furnished by the contractor for which the business has contracted to furnish services;

(c) The person, firm, or corporation maintains a separate set of books or records that reflect all items of income and expenses of the business; and

(d) The ~~((work))~~ service which the person, firm, or corporation has contracted to perform is:

(i) The work of a contractor as defined in RCW 18.27.010; or

(ii) The work of installing wires or equipment to convey electric current or installing apparatus to be operated by such current as it pertains to the electrical industry as described in chapter 19.28 RCW.

(3) Any person, firm, or corporation registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW including those performing ~~((work))~~ services for any contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW is a worker when the contractor ~~((supervises))~~ directs or controls, under the contract or in fact, the means by which the result is accomplished or the manner in which the ((work)) service is performed.

(4) For the purposes of this title, any person participating as a driver or back-up driver in commuter ride sharing, as defined in RCW 46.74.010(1), is not a worker while driving a ride-sharing vehicle on behalf of the owner or lessee of the vehicle.

Sec. 4. RCW 51.12.020 and 1987 c 316 s 2 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners (~~PROVIDED, That after July 26, 1981, sole proprietors or partners who for the first time register under chapter 18.27 RCW or become licensed for the first time under chapter 19.28 RCW shall be included under the mandatory coverage provisions of this title subject to the provisions of RCW 51.32.030. These persons may elect to withdraw from coverage under RCW 51.12.115).~~)

(6) Any child under eighteen years of age employed by his parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8)(a) Any bona fide executive officer of a corporation voluntarily elected and empowered in accordance with the articles of incorporation or bylaws of a corporation who at all times during the period involved is also a bona fide director, whose tenure is subject only to action by the board of directors, and who is also a shareholder of the corporation, holding not less than ten percent of all the issued and outstanding voting stock of the corporation. Only such executive officers who exercise substantial supervisory control in the daily management of the corporation and whose major responsibilities do not include the performance of manual labor, and whose annual compensation substantially exceeds the annual compensation of the corporation's highest paid worker, are included within this section.

(b) As used in this section, "executive" means the exercise of authority to define policy, to participate in the hiring and firing of employees, and to negotiate contracts on behalf of the corporation.

(c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.

(~~However, any~~) (d) A corporation may elect to cover ((such)) officers who are ((in fact employees of the corporation)) exempted by this section in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a newspaper carrier selling or distributing newspapers on the street or from house to house.

(11) Services performed by an occasional employee of a professional sports team who is performing the services only with respect to regularly scheduled sports events.

(12) Services performed by an insurance agent, insurance broker, or insurance solicitor, as defined in RCW 48.17.010, 48.17.020, and 48.17.030, respectively.

Sec. 5. RCW 51.12.100 and 1988 c 271 s 2 are each amended to read as follows:

(1) The provisions of this title shall not apply to a master or member of a crew of any vessel, or to employers and workers for whom a right or obligation exists under the maritime laws or federal employees' compensation act for personal injuries or death of such workers.

(2) If an accurate segregation of payrolls of workers for whom such a right or obligation exists under the maritime laws cannot be made by the employer, the director is hereby authorized and directed to fix from time to time a basis for the approximate segregation of the payrolls of employees to cover the part of their work for which no right or obligation exists under the maritime laws for injuries or death occurring in such work, and the employer, if not a self-insurer, shall pay premiums on that basis for the time such workers are engaged in their work.

(3) Where two or more employers are simultaneously engaged in a common enterprise at one and the same site or place in maritime occupations under circumstances in which no right or obligation exists under the maritime laws for personal injuries or death of such workers, such site or place shall be deemed for the purposes of this title to be the common plant of such employers.

(4) In the event payments are made under this title prior to the final determination under the maritime laws or federal employees' compensation act, such benefits shall be repaid by the worker or beneficiary if recovery is subsequently made under the maritime laws or federal employees' compensation act.

Sec. 6. RCW 51.12.110 and 1982 c 63 s 17 are each amended to read as follows:

Any employer who has in his or her employment any person or persons excluded from mandatory coverage pursuant to RCW 51.12.020 (~~((1), (2), (3), (4), (6), (7), (8), or (9))~~) may file notice in writing with the director, on such forms as the department may provide, of his or her election to make such persons otherwise excluded subject to this title. The employer shall forthwith display in a conspicuous manner about his or her works, and in a sufficient number of places to reasonably inform his or her workers of the fact, printed notices furnished by the department stating that he or she has so elected. Said election shall become effective upon the filing of said notice in writing. The employer and his or her workers shall be subject to all the provisions of this title and entitled to all of the benefits thereof: PROVIDED, That those who have heretofore complied with the foregoing conditions and are carried and considered by the department as within the purview of this title shall be deemed and considered as having fully complied with its terms and shall be continued by the department as entitled to all of the benefits and subject to all of the liabilities without other or further action. Any employer who has complied with this section may withdraw his or her acceptance of liability under this title by filing written notice with the director of the withdrawal of his or her acceptance. Such withdrawal shall become effective thirty days after the filing of such notice or on the date of the termination of the security for payment of compensation, whichever last occurs. The employer shall, at least thirty days before the effective date of the withdrawal, post reasonable notice of such withdrawal where the affected worker or workers work and shall otherwise notify personally the affected workers. Withdrawal of acceptance of this title shall not affect the liability of the department or self-insurer for compensation for any injury occurring during the period of acceptance.

The department shall have the power to cancel the elective adoption coverage if any required payments or reports have not been made. Cancellation by the department shall be no later than thirty days from the date of notice in writing by the department advising of cancellation being made.

Sec. 7. RCW 50.04.140 and 1945 c 35 s 15 are each amended to read as follows:

Services performed by an individual for remuneration shall be deemed to be employment subject to this title unless and until it is shown to the satisfaction of the commissioner that

(1) such individual has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact; and

(2) such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed, or the individual is responsible, both

under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(3) such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service or such individual has a principal place of business for the work the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(4) such individual is filing a schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(5) such individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(6) such individual maintains a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting.

NEW SECTION. Sec. 8. A new section is added to chapter 50.04 RCW to read as follows:

The term "employment" shall not include services performed by an occasional employee of a professional sports team who is performing the services only with respect to regularly scheduled sports events.

Sec. 9. RCW 50.04.230 and 1947 c 5 s 24 are each amended to read as follows:

The term "employment" shall not include service performed by an insurance agent, insurance broker, or insurance solicitor or a real estate broker or a real estate salesman to the extent he or she is compensated by commission and service performed by an investment company agent or solicitor to the extent he or she is compensated by commission(~~(, the [, The])~~). The term "investment company", as used in this (~~(subsection [section],)~~) section is to be construed as meaning an investment company as defined in the act of congress entitled "Investment Company Act of 1940."

NEW SECTION. Sec. 10. RCW 51.12.115 and 1981 c 128 s 5 are each repealed.

On page 1, line 1 of the title, after "employment;" strike the remainder of the title and insert "amending RCW 51.08.070, 51.08.180, 51.12.020, 51.12.100, 51.12.110, 50.04.140, and 50.04.230; adding a new section to chapter 51.08 RCW; adding a new section to chapter 50.04 RCW; and repealing RCW 51.12.115."

Signed by Representatives Heavey, Chair; Cole, Vice Chair; Franklin; Jones; R. King; O'Brien; Prentice; and Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Ranking Minority Member; and Lisk, Assistant Ranking Minority Member.

Excused: Representative Vance.

Passed to Committee on Rules for second reading.

April 4, 1991

ESSB 5841 Prime Sponsor, Committee on Agriculture & Water Resources:
Clarifying existing crop lien coverage and filing procedures.
Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; McLean; Rasmussen; and Roland.

Excused: Representatives Rayburn, Chair; and Lisk.

Passed to Committee on Rules for second reading.

April 5, 1991

SB 5848 Prime Sponsor, Senator Rasmussen: Increasing the homestead exemption. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Ranking Minority Member; Broback; Forner; Hargrove; R. Meyers; Mielke; H. Myers; Scott; D. Sommers; Tate; Vance; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Paris, Assistant Ranking Minority Member; Belcher; Inslee; and Riley.

Voting nay: Representatives Appelwick, Chair; Ludwig, Vice Chair; Paris, Assistant Ranking Minority Member; Belcher; Inslee; Locke; Riley; and Wineberry.

Passed to Committee on Rules for second reading.

April 5, 1991

2SSB 5882 Prime Sponsor, Committee on Ways & Means: Creating a drug asset forfeiture and criminal profiteering unit in the attorney general's office. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that drug asset forfeiture and criminal profiteering laws allow law enforcement officials and the courts to strip drug dealers and other successful criminals of the wealth they have acquired from their crimes and the assets they have used to facilitate those crimes. These laws are rarely used by prosecutors, however, because of the difficulty in identifying profiteering and the assets that criminals may have as a result of their crimes. It is the intent of the legislature to provide assistance to local law enforcement officials and state agencies to seize the assets of criminals and the proceeds of their profiteering.

NEW SECTION. Sec. 2. A new section is added to chapter 43.10 RCW to read as follows:

The attorney general shall: (1) Assist local law enforcement officials in the development of cases arising under the criminal profiteering laws with special emphasis on narcotics related cases; (2) assist local prosecutors in the litigation of criminal profiteering or drug asset forfeiture cases, or, at the request of a prosecutor's office,

litigate such cases on its behalf; and (3) conduct seminars and training sessions on prosecution of criminal profiteering cases and drug asset forfeiture cases.

NEW SECTION. Sec. 3. A new section is added to chapter 43.10 RCW to read as follows:

All assets recovered pursuant to section 2 of this act shall be distributed in the following manner: (1) For drug asset forfeitures, pursuant to the provisions of RCW 69.50.505; and (2) for criminal profiteering cases, pursuant to the provisions of RCW 9A.82.100.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On page 1, line 1 of the title, after "criminals;" strike the remainder of the title and insert "adding new sections to chapter 43.10 RCW; and creating new sections."

Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Bröback, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Anderson; Inslee; R. Johnson; R. Meyers; Paris; Schmidt; and Winsley.

Excused: Representatives Dorn and Scott.

Passed to Committee on Rules for second reading.

April 4, 1991

SB 5904 Prime Sponsor, Senator Thorsness: Extending until 1995 home heating assistance for low-income persons. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the health and welfare of the people of the state of Washington require that all citizens receive essential levels of heat and electric service regardless of economic circumstance and that rising energy costs have had a negative effect on the affordability of housing for low-income citizens and have made it difficult for low-income citizens of the state to afford adequate fuel for residential space heat. The legislature further finds that level payment plans, the protection against winter heating shutoff, and house weatherization programs have all been beneficial to low-income persons.

Sec. 2. RCW 35.21.300 and 1990 1st ex.s. c 1 s 1 are each amended to read as follows:

(1) The lien for charges for service by a city waterworks, or electric light or power plant may be enforced only by cutting off the service until the delinquent and unpaid charges are paid, except that until June 30, 1991, utility service for residential space heating may be terminated between November 15 and March 15 only as provided in subsections (2) and ~~((3))~~ (4) of this section. In the event of a disputed account and tender by the owner of the premises of the amount he claims to be due before the service is cut off, the right to refuse service to any premises shall not accrue until suit has been entered by the city and judgment entered in the case.

(2) ~~((Until June 30, 1991:~~

~~(a)))~~ Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

((i)) (a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

((ii)) (b) Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information in the self-certification;

((iii)) (c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

((iv)) (d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

((v)) (e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

((vi)) (f) Agrees to pay the moneys owed even if he or she moves.

((b)) (3) The utility shall:

((i)) (a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

((ii)) (b) Assist the customer in fulfilling the requirements under this section;

((iii)) (c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

((iv)) (d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

((v)) (e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

((3)) (4) All municipal utilities shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability

to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

((4)) (5) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

Sec. 3. RCW 54.16.285 and 1990 1st ex.s. c 1 s 3 are each amended to read as follows:

(1) A district providing utility service for residential space heating shall not terminate such utility service between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if he or she moves.

(2) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been

due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(3) All districts providing utility service for residential space heating shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

~~((5) This section shall expire June 30, 1991.))~~

Sec. 4. RCW 80.28.010 and 1990 1st ex.s. c 1 s 5 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

(2) Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

~~(4) ((Until June 30, 1991:~~

~~(a))~~ Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

~~((i))~~ (a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

~~((ii))~~ (b) Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

~~((iii))~~ (c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

~~((iv))~~ (d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

~~((v))~~ (e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date

application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

~~((+))~~ (f) Agrees to pay the moneys owed even if he or she moves.

~~((b))~~ (5) The utility shall:

~~((i))~~ (a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

~~((ii))~~ (b) Assist the customer in fulfilling the requirements under this section;

~~((iii))~~ (c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

~~((iv))~~ (d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

~~((v))~~ (e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

~~((6))~~ (6) A payment plan implemented under this section is consistent with RCW 80.28.080.

~~((5))~~ (7) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

~~((6))~~ (8) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

~~((7))~~ (9) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

On page 1, line 1 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 35.21.300, 54.16.285, and 80.28.010; and creating a new section."

Signed by Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Casada; Cooper; R. Fisher; Jacobsen; Miller; and Rayburn.

Excused: Representative May, Ranking Minority Member.

Passed to Committee on Rules for second reading.

April 4, 1991

SSB 5916 Prime Sponsor, Committee on Children & Family Services:
Changing foster care provisions and providing a grievance process.
Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to provide timely, thorough, and fair procedures for resolution of grievances of clients, foster parents, and the community resulting from decisions made by the department of social and health services related to programs administered pursuant to this chapter. Grievances should be resolved at the lowest level possible. However, all levels of the department should be accountable and responsible to individuals who are experiencing difficulties with agency services or decisions. It is the intent of the legislature that grievance procedures be made available to individuals who do not have other remedies available through judicial review or adjudicative proceedings.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

The department shall develop and implement an informal, nonadversarial complaint resolution process to be used by clients of the department, foster parents, and other affected individuals who have complaints regarding a department policy or procedure, or the application of such a policy or procedure, related to programs administered under this chapter. The process shall not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

Nothing in this section shall be construed to create substantive or procedural rights in any person. Participation in the complaint resolution process shall not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review. Participation in the process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

The department shall develop procedures to assure that clients and foster parents are informed of the availability of the complaint resolution process and how to access it. The department shall incorporate information regarding the complaint resolution process into the training for foster parents and caseworkers.

The department shall compile complaint resolution data including the nature of the complaint and the outcome of the process. The department shall submit semi-annual reports, due January and July of each year, beginning July 1992, to the senate children and family services committee and the house of representatives human services committee.

Sec. 3. RCW 13.34.110 and 1983 c 311 s 4 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. The parties need not appear at the fact-finding or dispositional hearing if all are in agreement; but the court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. If a child resides in foster care or in the home of a relative pursuant to a disposition order entered under RCW 13.34.130, the court may allow the child's foster parent or relative care provider to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

Sec. 4. RCW 74.13.280 and 1990 c 284 s 10 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency may share information about the child and the child's family with the care provider and may consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review hearings pertaining to the child.

(2) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law.

(3) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 13.34.110 and 74.13.280; adding a new section to chapter 74.13 RCW; creating a new section; and declaring an emergency."

Signed by Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Passed to Committee on Rules for second reading.

April 2, 1991

SSB 5928 Prime Sponsor, Committee on Ways & Means: Prohibiting interest and penalties on delinquent 1991 taxes on personal residences owned by military personnel. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Fraser, Vice Chair; Holland, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Brumsickle; Day; Leonard; Morris; Morton; Phillips; Rust; Silver; and Van Luven.

Excused: Representatives Appelwick; Belcher; Day; Morris; and Silver.

Passed to Committee on Rules for second reading.

April 5, 1991

SJM 8004 Prime Sponsor, Metcalf: Requiring a complete audit of the Federal Reserve System. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Zellinsky, Vice Chair; Broback, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Anderson; Inslee; Paris; Schmidt; and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives R. Johnson and R. Meyers.

Excused: Representatives Dorn and Scott.

Passed to Committee on Rules for second reading.

April 2, 1991

SJM 8006 Prime Sponsor, Senator Madsen: Asking the department of defense to send our thanks to operation desert storm troops from Washington. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment: On page 1, line 5, after "Senate" insert "and the House of Representatives"

Signed by Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

Passed to Committee on Rules for second reading.

April 2, 1991

SJM 8012 Prime Sponsor, Senator Talmadge: Petitioning the United States state department to appeal to British Columbia to stem the flow of raw sewage into the strait of Juan de Fuca. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Horn, Ranking Minority Member; Bray; Brekke; G. Fisher; Neher; Phillips; Pruitt; D. Sommers; Sprenkle; and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representative Edmondson, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

April 5, 1991

SSJR 8208 Prime Sponsor, Committee on Governmental Operations:
Amending the Constitution to permit municipalities and state
agencies to employ chaplains. Reported by Committee on Local
Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after line 2, strike the remainder of the resolution and insert the following:

"THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article I, section 11, of the Constitution of the state of Washington to read as follows:

Article I, section 11. Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: PROVIDED, HOWEVER, That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional, and mental institutions, or by a county's or public hospital district's hospital, health facility, or hospice as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his or her opinion on matters of religion, nor be questioned in any court of justice touching his or her religious belief to affect the weight of his or her testimony.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Passed to Committee on Rules for second reading.

April 5, 1991

SJR 8217 Prime Sponsor, Senator Wojahn: Allowing video testimony of
children under ten years of age who are sexual abuse victims.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Mielke; H. Myers; Scott; D. Sommers; Tate; and Vance.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove; Inslee; R. Meyers; Riley; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

April 3, 1991

SCR 8400 Prime Sponsor, Senator Bailey: Endorsing the VISION: EDUCATION 2001 statement. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Betzoff; Broback; Cole; Dorn; Holland; P. Johnson; Jones; Neher; Orr; Phillips; Rasmussen; Roland; and Valle.

Excused: Representatives Brumsickle and H. Sommers.

Passed to Committee on Rules for second reading.

MOTION

On motion of Ms. Cole, the bills, memorials and resolutions listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Saturday, April 6, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Saturday, April 6, 1991

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Yvonne Beck and Bradley Wyatt. Prayer was offered by Representative Clyde Ballard.

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

MESSAGES FROM THE SENATE

April 3, 1991

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1304,
ENGROSSED HOUSE BILL NO. 1450,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 5, 1991

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1200,

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

MOTION

On motion of Mr. Ebersole, Committee on Rules was relieved of House Bill No. 1330 and the bill was placed on the second reading calendar.

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

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

SECOND READING

HOUSE BILL NO. 1330, by Representatives Locke, Silver, Spanel, Inslee, Morton and Holland; by request of Governor Gardner

Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1993.

The bill was read the second time. On motion of Mr. Ebersole, Substitute House Bill No. 1330 was substituted for House Bill No. 1330, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1330 was read the second time.

Mr. Beck moved adoption of the following amendment by Representatives Beck and Paris:

On page 7, after line 17, insert a new subsection as follows:

"(4) Budget proposals submitted by the governor during the 1991-93 biennium shall be accompanied by a list of expenditure reductions totalling the amount necessary to fund the total enhancements proposed by the governor."

Representatives Beck and Paris spoke in favor of adoption of the amendment, and Mr. Anderson spoke against it. The amendment was not adopted.

Mr. Horn moved adoption of the following amendments by Representatives Horn, May, Paris, Fuhrman and D. Sommers:

On page 12, line 22, strike "\$26,472,000" and insert "\$26,762,000"

On page 12, line 25, strike "\$26,681,000" and insert "\$26,971,000"

On page 13, after line 22, insert a new subsection as follows:

"(3) \$290,000 of the general fund state appropriation is provided solely for the jail population data contract with the Washington Association of Sheriffs and Police Chiefs."

Mr. Horn spoke in favor of adoption of the amendments, and Mr. Inslee spoke against them.

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

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

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 12 and 13 by Representative Horn and others to Substitute House Bill No. 1330, and the amendments were not adopted by the following vote: Yeas - 40, Nays - 56, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 40.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 56.

Excused: Representatives Betrozoff, Braddock - 02.

Ms. Rust moved adoption of the following amendments:

On page 16, after line 8, insert:

"Oil Spill Administration Account Appropriation \$ 120,000"

On page 16, line 9, strike "97,283,000" and insert "97,403,000"

On page 16, after line 24, insert:

"(4) \$120,000 of the oil spill administration account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1027 (oil and hazardous substance spill prevention and response). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse."

On page 46, after line 7, insert:

"Oil Spill Administration Account Appropriation \$ 500,000"

On page 46, line 8, strike "291,253,000" and insert "291,753,000"

On page 50, after line 8, insert:

"(19) \$500,000 of the oil spill administration account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1027 (oil and hazardous substance spill prevention and response). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse."

On page 63, after line 19, insert:

"Oil Spill Administration Account Appropriation \$ 2,844,000"

On page 63, line 20, strike "242,108,000" and insert "244,952,000"

On page 65, after line 26, insert:

"(10) \$2,844,000 of the oil spill administration account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1027 (oil and hazardous substance spill prevention and response). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse."

On page 66, after line 15, insert:

"Oil Spill Administration Account Appropriation \$ 61,000"

On page 66, line 16, strike "59,568,000" and insert "59,629,000"

On page 68, after line 4, insert:

"(8) \$61,000 of the oil spill administration account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1027 (oil and hazardous substance spill prevention and response). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse."

On page 71, after line 24, insert:

"Oil Spill Administration Account Appropriation . \$ 410,000"

On page 71, line 25, strike "86,635,000" and insert "87,045,000"

On page 72, after line 9, insert:

"(4) \$410,000 of the oil spill administration account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1027 (oil and hazardous substance spill prevention and response). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse."

On page 72, after line 19, insert:

"Oil Spill Administration Account Appropriation . \$ 965,000"

On page 72, line 20, strike "81,039,000" and insert "82,004,000"

On page 73, after line 9, insert:

"(5) \$965,000 of the oil spill administration account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1027 (oil and hazardous substance spill prevention and response). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse. \$450,000 of the oil spill administration account appropriation to the department of wildlife is provided solely for a marine mammal and bird rehabilitation center, of which \$400,000 is for one-time capital costs and \$50,000 is for biennial contract staffing costs for the center."

On page 73, after line 24, insert:

"Oil Spill Administration Account Appropriation . \$ 35,000"

On page 73, after line 25, strike "190,367,000" and insert "190,402,000"

On page 77, after line 10, insert:

"(15) \$35,000 of the oil spill administration account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1027 (oil and hazardous substance spill prevention and response). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse."

On page 78, after line 14, insert:

"NEW SECTION. Sec. 315. FOR THE OFFICE OF MARINE SAFETY

Oil Spill Administration Account Appropriation . \$ 2,996,000

The appropriation in this section is subject to the following conditions and limitations: \$ 2,996,000 of the oil spill administration account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1027 (oil and hazardous substance spill prevention and response). If the bill is not enacted by June 30, 1991, the amount provided in this section shall lapse."

On page 133, after line 11, insert:

"Oil Spill Administration Account Appropriation . \$ 229,000"

On page 133, line 12, strike "685,166,000" and insert "685,395,000"

On page 134, after line 2, insert:

"(6) \$229,000 of the oil spill administration account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1027 (oil and hazardous substance spill prevention and response). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse. The entire \$ 229,000 appropriation from the oil spill administration account to the University of Washington is provided solely for the Washington sea grant program to develop and conduct a spill prevention education program in accordance with section 110 of Engrossed Substitute House Bill No. 1027 (oil and hazardous substance spill prevention and response)."

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

On motion of Mr. O'Brien, the following amendment was adopted:

On page 16, after line 24, insert:

"(3) Within the total appropriation provided in this section, the department shall conduct a study regarding the revenue impacts of implementing HB 2187 (nonprofit organizations tax exemptions). The department shall provide a brief report of the study's conclusions to the appropriate committees of the legislature by December 1, 1991."

Mr. Ballard moved adoption of the following amendment by Representatives Ballard, D. Sommers and Ferguson:

On page 16, after line 24, insert:

"(4) The department shall by rule define and exempt nonprofit organizations from taxes on auctions held by such organizations. The department is directed to adopt rules consistent with the provisions of House Bill 2187 introduced on March 22, 1991."

Mr. Ballard spoke in favor of adoption of the amendment, and Mr. Locke spoke against it.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 16 by Representative Ballard and others to Substitute House Bill No. 1330, and the amendment was not adopted by the following vote: Yeas - 39, Nays - 55, Absent - 2, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 39.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 55.

Absent: Representatives Day, O'Brien - 02.

Excused: Representatives Betrozoff, Braddock - 02.

Ms. Fraser moved adoption of the following amendments:

On page 17, line 18, strike "\$20,498,000" and insert "\$20,858,000"

On page 17, line 19, strike "\$41,608,000" and insert "\$41,968,000"

Representatives Fraser and Spanel spoke in favor of adoption of the amendments, and they were adopted.

Mr. Phillips moved adoption of the following amendment by Representatives Phillips and Holland:

On page 20, line 24, after "solely" strike "to determine the feasibility of" and insert "for the purpose of contracting with the state energy office to develop plans and recommendations to expand the availability of"

Mr. Phillips spoke in favor of adoption of the amendment, and it was adopted.

Ms. Leonard moved adoption of the following amendment:

On page 30, line 7, after "implement" strike "local planning efforts under" and insert "sections 3 and 4 of"

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

Ms. Brekke moved adoption of the following amendment by Representatives Brekke and Cole:

On page 32, after line 17, insert new subsection:

"(d) \$706,000 of the general fund state appropriation and \$815,000 of the general fund federal appropriation are provided solely for community-based residential programs for twelve clients under the care of the united cerebral palsy intermediate care facility for the mentally retarded."

Renumber remaining subsections accordingly.

Representatives Brekke and Locke spoke in favor of adoption of the amendment, and it was adopted.

Mr. Cooper moved adoption of the following amendment:

On page 33, on line 8, after "1993." insert: "This amount shall be used only for increases to vendors currently providing services and not for program expansion."

Mr. Cooper spoke in favor of adoption of the amendment, and it was adopted.

Mr. Morton moved adoption of the following amendment:

On page 35, line 11, after "providers," insert "parents or guardians,"

Representatives Morton and Locke spoke in favor of adoption of the amendment, and it was adopted.

Mr. Orr moved adoption of the following amendments:

On page 35, line 19, strike "\$572,657,000" and insert "\$572,657,000"

On page 35, line 20, strike "\$673,385,000" and insert "\$672,926,000"

On page 35, line 20, strike "\$1,246,138,000" and insert "\$1,245,583,000"

On page 37, line 1, strike subsection (8)

Representatives Orr, Silver, Day and Moyer spoke in favor of adoption of the amendments, and Representatives Brekke and Franklin spoke against them. The amendments were adopted.

On motion of Mr. Locke, the following amendments were adopted:

On page 127, line 15, after "section" strike all material through "1993." on line 5, page 128, and insert the following:

	"1991-92	1992-93
University of Washington ...	\$ 3,806,000	10,806,000
Washington State University..	\$ 1,791,000	5,442,000
Eastern Washington University ..	\$ 553,000	1,538,000
Central Washington University ..	\$ 486,000	1,328,000
The Evergreen State College ...	\$ 264,000	734,000
Western Washington State University..	\$ 678,000	1,853,000
State Board for Community College Education.....	\$ 4,342,000	11,701,000
Higher Education Coordinating Board	\$ 25,000	75,000

(b) The amounts listed in (3) (a) of this subsection shall be used to provide faculty, exempt staff, teaching and research assistants, and medical residents at four-year institutions and in the community colleges system as a whole average salary increases of 3.9 percent on January 1, 1992, and 3.9 on January 1, 1993. In providing these increases, institutions shall ensure that each person employed as faculty, exempt staff, teaching and research assistants, or medical residents is granted a salary increase of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993. The remaining amounts shall be used by each institution of higher education and the community college system to grant salary increases on January 1, 1992, and on January 1, 1993, that address their most serious salary inequities among faculty and exempt staff. The state board for community college education shall assess salary equity in the system, and establish guidelines for the allocation of the remaining amounts. The community college districts shall distribute their remaining amounts consistent with the state board's allocation."

On page 128, after line 21, strike all of material through page 130, line 17, and insert:

"(4) (a) The following amounts from the appropriations in sections 602 and 610 of this act, or as much there of as may be necessary, shall be spent to provide employees classified by the higher education personnel board a 3.6 percent across-the-board increase effective January 1, 1992, and an additional 3.6 percent across-the-board increase effective January 1, 1993.

	1991-92	1992-93
University of Washington ...	\$ 1,422,000	4,316,000
Washington State University..	\$ 868,000	2,467,000
Eastern Washington University ..	\$ 214,000	651,000
Central Washington University ..	\$ 172,000	525,000
The Evergreen State College ...	\$ 131,000	396,000
Western Washington State University	\$ 232,000	724,000
State Board for Community College Education.....	\$ 1,323,000	4,030,000
Higher Education Coordinating Board	\$ 12,000	36,000"

Re-number remaining subsections consecutively.

On page 130, after line 24, strike all material through page 131, line 8

On page 131, line 24, strike "\$705,307,000" and insert "\$705,381,000"

On page 133, line 8, strike "\$677,126,000" and insert "\$676,849,000"

On page 133, line 12, strike "\$685,166,000" and insert "\$684,889,000"

On page 134, line 4, strike "\$373,557,000" and insert "\$373,458,000"

On page 134, line 22, strike "\$101,002,000" and insert "\$100,995,000"

On page 135, line 4, strike "\$86,145,000" and insert "\$86,133,000"

On page 135, line 12, strike "\$54,657,000" and insert "\$54,660,000"

On page 136, line 23, strike "\$113,233,000" and insert "\$113,217,00"

On page 137, line 7, strike "\$4,149,000" and insert "\$4,126,000"

On page 137, line 9, strike "\$4,379,000" and insert "\$4,356,000"

On page 140, line 19, strike "\$2,439,000" and insert "\$2,407,000"

On page 141, after line 2, strike all material down to and including "act." on line 15 and insert the following:

"(2) \$60,000, or as much thereof as may be necessary, is provided solely for a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional 3.6 percent across-the-board salary increase effective January 1, 1993, for classified and exempt staff of the higher education personnel board."

On page 148, line 25, strike "\$114,610,000" and insert "\$114,939,000"

On page 148, line 26, strike "\$19,727,000" and insert "\$17,618,000"

On page 149, line 2, strike "\$95,110,000" and insert "\$106,456,000"

On page 149, line 3, strike "\$229,447,000" and insert "\$239,013,000"

On page 149, after line 7, strike all of subsection (1) and insert the following:

"(1) \$62,500,000 of the general fund state appropriation, \$16,500,000 of the general fund federal appropriation, and \$46,475,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional 3.6 percent across-the-board salary increase effective January 1, 1993, for all classified and exempt employees under the state personnel board and commissioned officers of the Washington state patrol."

On page 152, line 4, strike "\$276.24" and insert "\$292.37"

On page 152, line 5, strike "\$302.98" and insert "\$319.38"

On page 152, line 8, strike "\$7.48" and insert "\$7.98"

On page 152, line 9, strike "\$5.67" and insert "\$5.92"

On page 153, line 8, strike "\$14,173,000" and insert "\$6,650,000"

The Clerk read the following amendments by Representatives R. King and Miller:

On page 39, line 10, strike "\$1,011,618,000" and insert "\$1,017,368,000"

On page 39, line 11, strike "\$1,037,882,000" and insert "\$1,043,440,000"

On page 39, line 12, strike "\$2,049,500,000" and insert "\$2,060,808,000"

On page 40, line 1, strike all of subsection (4) and insert:

"(4) After July 1, 1991, the department shall extend the maximum number of reimbursable chiropractic treatments from 10 to 20 per year per recipient."

With consent of the House, Mr. R. King withdrew the amendments.

Mr. Riley moved adoption of the following amendments by Representatives Riley and Morris:

On page 45, line 22, strike "\$103,587,000" and insert "\$103,662,000"

On page 46, line 8, strike "\$291,253,000" and insert "\$291,328,000"

On page 50, after line 8, insert:

"(19) \$75,000 of the general fund state appropriation is provided solely for the Mount St. Helen's monitoring system.

Mr. Riley spoke in favor of adoption of the amendments, and they were adopted.

Mr. Sheldon moved adoption of the following amendments by Representatives Sheldon, Basich and Chandler:

On page 45, line 22, strike "\$103,587,000" and insert "\$103,927,000"

On page 46, line 8, strike "\$291,253,000" and insert "\$291,593,000"

On page 50, after line 8, insert:

"(19) \$340,000 of the general fund state appropriation is provided solely to replace lost federal funds for continued support of the community development finance program."

Representatives Sheldon and Chandler spoke in favor of adoption of the amendments, and they were adopted.

The Clerk read the following amendments by Representative Heavey:

On page 45, line 22, strike "\$103,587,000" and insert "\$103,737,000"

On page 46, line 8, strike "\$291,253,000" and insert "\$291,403,000"

On page 50, after line 8, insert:

"(19) \$150,000 of the general fund state appropriation is provided solely for the following purposes: (a) \$120,000 for creation and operation of the office of public defense services. The office, in conjunction with the indigent defense task force created in (b) of this subsection shall assist local governments implement screening procedures, develop service delivery standards, develop guidelines for distribution of funds, and review and provide technical assistance regarding the provision of services for indigent representation under RCW 10.101.020 and RCW 10.101.030. (b) \$30,000 for the indigent defense task force, authorized under chapter 409, Laws of 1989. The task force shall: (i) advise the office of public defense services; (ii) assist the department develop guidelines for distribution of funds to local governments providing defense services in cases that incur extraordinary expense; (iii) work with the task force on city and county finances authorized under RCW 82.14.301; and (iv) make recommendations to the legislature concerning provision of indigent defense services."

With consent of the House, Mr. Heavey withdrew the amendments.

Mr. Ferguson moved adoption of the following amendments by Representatives Ferguson, Paris, Mitchell, Nealey, Wood, Fuhrman, P. Johnson, Miller, Casada, D. Sommers and Chandler:

On page 45, line 22, strike "\$103,587,000" and insert "\$104,932,000"

On page 46, line 8, strike "\$291,253,000" and insert "\$292,598,000"

On page 50, after line 8, insert:

"(19) \$1,345,000 of the general fund state appropriation is provided solely for the fire service training program."

Mr. Ferguson spoke in favor of adoption of the amendments, and Ms. Haugen spoke against them.

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

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 45, 46 and 50 by Representative Ferguson and others to Substitute House Bill No. 1330, and the amendments were not adopted by the following vote: Yeas - 42, Nays - 54, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Jones, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 42.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 54.

Excused: Representatives Berozoff, Braddock - 02.

Mr. Wineberry moved adoption of the following amendment:

On page 47, line 13, after "assistance." insert "Of this amount \$1,700,000 shall be allocated by the department for the purpose of supporting the operation of food banks, food distribution programs, and tribal voucher programs, for the purchase, transportation and storage of food under the emergency food assistance program. The remaining \$300,000 shall be allocated to food banks in timber-dependent communities. "Timber-dependent communities" means any community in a county where: (a) the employment security department certifies a logging and lumber employment location quotient equal or greater than the state average; or (b) direct logging and lumber job loss is greater than or equal to 100."

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

Mr. Padden moved adoption of the following amendment:

On page 50, after line 8, insert the following:

"(19) None of the funds appropriated in this section for the department of community development may be provided to the city of Seattle for any purpose until the city complies with the auction requirements of RCW 9.41.098(2) for forfeited firearms."

Mr. Padden spoke in favor of adoption of the amendment, and Representatives Appelwick and Forner spoke against it. The amendment was not adopted.

On motion of Mr. Locke, the following amendment was adopted:

On page 53, after line 9, insert:

"(9) \$42,000 of the medical aid fund appropriation and \$42,000 of the accident fund appropriation are provided solely for an additional adjudicator position to assist in monitoring complaints and compliance of self-insured employers."

Mr. Dorn moved adoption of the following amendments:

On page 53, line 14, strike "\$21,865,000" and insert "\$22,374,000"

On page 53, line 17, strike "\$39,002,000" and insert "\$39,511,000"

Mr. Dorn spoke in favor of adoption of the amendments, and Mr. Locke spoke against them. The amendments were not adopted.

Ms. Silver moved adoption of the following amendments by Representatives Silver, Paris, Nealey, Mielke, P. Johnson, Ferguson, Mitchell and D. Sommers:

On page 54, line 2, strike "\$130,885,000" and insert "\$131,663,000"

On page 54, line 16, strike "\$297,605,000" and insert "\$298,383,000"

On page 55, after line 25, insert a new subsection as follows:

"(12) \$778,000 of the general fund state appropriation is provided solely for enhanced funding for poison control centers."

Ms. Silver spoke in favor of adoption of the amendments, and Mr. Locke spoke against them.

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

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 54 and 55 by Representative Silver and others to Substitute House Bill No. 1330, and the amendments were not adopted by the following vote: Yeas - 39, Nays - 57, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Winsley, Wood, Wynne - 39.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, Zellinsky, and Mr. Speaker - 57.

Excused: Representatives Betrozoff, Braddock - 02.

Mr. Moyer moved adoption of the following amendments:

On page 54, line 2, strike "\$130,885,000" and insert "\$131,408,000"

On page 54, line 16, strike "\$297,605,000" and insert "\$298,128,000"

On page 55, after line 25, insert a new subsection as follows:

"(12) \$523,000 of the general fund state appropriation is provided solely for enhanced funding for genetics clinics."

Mr. Moyer spoke in favor of adoption of the amendments, and Ms. Leonard spoke against them. Mr. Moyer again spoke in favor of the amendments. The amendments were not adopted.

On motion of Mr. Locke, the following amendment was adopted:

On page 32, after line 10, insert new subsection:

"(b) The department shall continue to use King county for the administration of community-based residential services."

Renumber remaining subsections accordingly.

On motion of Mr. Locke, the following amendments were adopted:

On page 54, line 4, strike "\$15,882,000" and insert "\$14,506,000"

On page 54, after line 15, insert:

"Safe Drinking Water Account
Appropriation\$1,376,000"

On page 55, after line 25 insert a new subsection as follows:

"(12) The entire safe drinking water account appropriation is provided solely to implement Substitute House Bill No. 1709. If the bill is not enacted by June 30, 1991, this appropriation is null and void."

Mr. Tate moved adoption of the following amendment by Representatives Tate, Casada, Winsley, Nealey, Vance, P. Johnson, Neher, Ferguson, Broback, Chandler, Ballard, Mitchell and Beck:

On page 56, after line 5, insert:

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

(a) None of the funds appropriated may be used to support a division of community corrections office established after June 30, 1990, if the office is located within one-half mile of an elementary school and the offenders being supervised include sex offenders.

(b) The department shall identify all community corrections offices established on or prior to June 30, 1990, that are located within one-half mile of an elementary school, and that supervise sex offenders. The department shall report its findings to the judiciary committee of the house of representatives and the law and justice committee of the senate by January 10, 1992.

(c) The department shall not establish a community corrections office in any area unless the department has made reasonable efforts to notify the community to be impacted that it is considering the establishment of such an office. The department shall hold a public hearing in the community before making a decision to locate such an office."

Mr. Tate spoke in favor of adoption of the amendment.

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

Ms. Casada spoke in favor of adoption of the amendment, and Mr. Hargrove spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 56 by Representative Tate and others to Substitute House Bill No. 1330, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 50, Absent - 3, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Dorn, Edmondson, Ferguson, Fisher, G., Former, Fuhrman, Heavey, Hochstatter, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rasmussen, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 43.

Voting nay: Representatives Anderson, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Ebersole, Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 50.

Absent: Representatives Appelwick, Holland, Morris - 03.

Excused: Representatives Betrozoff, Braddock - 02.

Ms. Haugen moved adoption of the following amendments by Representatives Haugen, Spanel and Wilson:

On page 60, line 16, after "implement" strike the remainder of the subsection and insert "a pilot program for dislocated timber worker training. The program shall be developed with the Skagit Valley Community College to provide training opportunities for dislocated workers in the areas of fisheries, wildlife, recreation and other natural resource professions. The department shall consult with the departments of natural resources, ecology, wildlife, fisheries, and the parks and recreation commission in developing the program."

On page 133, line 3, after "project" strike the remainder of the subsection and insert: "under section 228 of this act, enrollment funding under this subsection shall be used to contribute to the implementation of the pilot project."

Ms. Haugen spoke in favor of adoption of the amendments, and they were adopted.

Mr. Nealey moved adoption of the following amendments by Representatives Nealey and Beck:

On page 61, line 4, strike "\$2,359,000" and insert "\$2,570,000"

On page 61, line 12, strike "\$37,679,000" and insert "\$37,890,000"

On page 61, after line 27, insert the following:

"(4) \$211,000 of the general fund state appropriation is provided solely for a study, conducted by energy office staff, of prospects for providing for energy self-sufficiency, environmental improvement and agricultural market expansion by greater use of ethanol and other motor vehicle fuels that are alternatives to gasoline. A fourteen-member committee, with non-legislative members to be appointed by the director of the energy office, shall provide advice regarding the study and shall make recommendations to the legislature by December 1, 1992 regarding the state's role in developing ethanol and other alternative fuels. The membership of the committee shall consist of (a) two agricultural producers whose products have potential for use as alternative fuels; (b) one producer of alternative fuels; (c) one representative of an oil company; (d) one representative of

independent service station dealers; (e) one representative from the automobile manufacturing industry; (f) one member of the Washington State University faculty with expertise in developing agricultural products; (g) one representative of a consumer group; (h) the directors of the department of agriculture and the energy office; and (i) two members of the Senate, one from each caucus, one of whom serves on the transportation committee, appointed by the president of the Senate, and two members of the House of Representatives, one from each caucus, one of whom serves on the agricultural committee and one of whom serves on the energy committee, appointed by the speaker of the House of Representatives."

Mr. Nealey spoke in favor of adoption of the amendments, and Ms. H. Myers spoke against them. The amendments were not adopted.

Mr. Vance moved adoption of the following amendments by Representatives Former, Vance, Marshall and Paris:

On page 61, after line 27, insert the following:

"(4) Within the appropriations in this section, the state energy office shall convene a school bus compressed natural gas fuel advisory committee. The committee shall be chaired by the director of the state energy office or a designee and the following shall be invited to be members: the superintendent of public instruction or a designee; the director of the department of ecology or a designee; two members of the house, one from each caucus, appointed by the speaker of the house; two members of the senate, one from each caucus, appointed by the president of the senate; two members representing school districts appointed by the director of the state energy office and one member representing a natural gas local distribution company. The state energy office shall, with the guidance of the advisory committee, analyze and report on the potential benefits, costs, and safety risks associated with increasing the use of compressed natural gas as a fuel for school buses. The report shall address: (a) the anticipated operation and maintenance costs of compressed natural gas school buses in comparison to diesel fuel and gasoline school buses; (b) factors affecting the safety of passengers, drivers, mechanics, and other persons using compressed natural gas school buses in comparison to diesel fuel and gasoline school buses; (c) capital costs, including: (i) the availability and capital cost of purchasing new compressed natural gas school buses, (ii) the feasibility and capital cost of retrofitting diesel and gasoline school buses, and (iii) capital costs associated with fuel storage and refueling; and (d) other considerations, including air quality benefits, needed to determine the total costs, problems, and benefits of increasing the use of compressed natural gas as a fuel for school buses. The state energy office shall submit a report to the appropriations and environmental affairs committees of the house of representatives and the ways and means and environment and natural resources committees of the senate by December 1, 1991, and the school bus compressed natural gas fuel advisory committee shall be disbanded as of that date."

On page 119, beginning on line 25, strike all of subsection 17

Renumber remaining subsections consecutively.

Representatives Vance and Spanel spoke in favor of adoption of the amendments, and they were adopted.

Mr. Grant moved adoption of the following amendment by Representatives Grant, Horn, Morris, R. Meyers, Rayburn, Neher, Chandler, Wynne and Riley:

On page 63, on line 14, strike "18,241,000" and insert "13,900,000"

Representatives Grant, Lisk, Horn, Chandler, Edmondson and Hochstatter spoke in favor of adoption of the amendment, and Representatives Rust and Sprengle spoke against it.

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

Representatives Lisk and Horn against spoke in favor of the amendment, and Mr. Pruitt spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 63 by Representative Grant and others to Substitute House Bill No. 1330, and the amendment was adopted by the following vote: Yeas - 57, Nays - 39, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Bowman, Bray, Broback, Brough, Brumsickle, Casada, Chandler, Cooper, Day, Dellwo, Edmondson, Ferguson, Fisher, G., Former, Fuhrman, Grant, Hargrove, Hochstatter, Holland, Horn, Inslee, Johnson P., Johnson R., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Orr, Padden, Paris, Prince, Rayburn, Riley, Schmidt, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wood, Wynne, Zellinsky - 57.

Voting nay: Representatives Anderson, Belcher, Brekke, Cantwell, Cole, Dorn, Ebersole, Fisher, R., Franklin, Fraser, Haugen, Heavey, Hine, Jacobsen, Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Roland, Rust, Scott, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Winsley, and Mr. Speaker - 39.

Excused: Representatives Berozoff, Braddock - 02.

The Clerk read the following amendments by Representatives R. King, Miller, Inslee and Roland:

On page 40, line 1, after "department" strike "not"

On page 40, line 2, after "coverage." strike all material through "section." on line

4

With consent of the House, the amendments by Representative R. King and others were withdrawn.

Mr. Wynne moved adoption of the following amendments:

On page 65, line 22, strike "and"

On page 65, line 26, after "action" insert "; and

(10) If Engrossed Substitute House Bill No. 1490 (flood control management) is enacted by June 30, 1991, altering the biennial amount that is transferred to the Flood Control Assistance Account, in combination with money remaining in the account, to ten million dollars, \$6,000,000 shall be appropriated from the Flood Control Assistance Account, in addition to the amount already appropriated from that account by this section, for a total appropriation of ten million dollars."

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

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

ROLL CALL

The Clerk called the roll on adoption of the amendments on page 65 by Representative Wynne to Substitute House Bill No. 1330, and the amendments were not adopted by the following vote: Yeas - 43, Nays - 51, Absent - 2, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Former, Fuhrman, Haugen, Hochstatter, Holland, Horn, Johnson P., Johnson R., Jones, Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Scott, Silver, Sommers, D., Tate, Vance, Wilson, Winsley, Wood, Wynne - 43.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, King, R., Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Rust, Sheldon, Sommers, H., Sprengle, Valle, Van Luven, Wang, Wineberry, Zellinsky, and Mr. Speaker - 51.

Absent: Representatives Roland, Spanel - 02.

Excused: Representatives Betrozoff, Braddock - 02.

Mr. May moved adoption of the following amendments:

On page 68, line 17, after "\$" strike "1,750,000" and insert "1,831,000"

On page 68, line 19, after "limitations:" insert "\$81,000 is provided solely for an additional administrative law judge for the biennium and"

Mr. May spoke in favor of adoption of the amendments, and Mr. Locke spoke against them. The amendments were not adopted.

The Clerk read the following amendments by Representatives Hargrove, Bowman and Morris:

On page 68, line 24, strike "\$29,622,000" and insert "\$37,628,000"

On page 69, line 3, strike "\$32,186,000" and insert "\$40,186,000"

On page 70, after line 12 insert:

"(9) \$8,000,000 of the general fund state appropriation is provided solely for the community economic revitalization board loan program under RCW 43.160."

With consent of the House, Representatives Hargrove withdrew the amendments.

Mr. Fuhrman moved adoption of the following amendments by Representatives Fuhrman, Bowman and P. Johnson:

On page 72, line 11, strike "\$10,133,000" and insert "\$14,822,000"

On page 72, line 20, strike "\$81,039,000" and insert "\$85,728,000"

On page 73, after line 9, insert:

"(5) \$45,000 of the general fund state appropriation is provided solely for development of a multi-use comprehensive plan for the Scatter Creek wildlife area.

(6) \$45,000 of the general fund state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1448 (union bay wildlife area). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse."

Mr. Fuhrman spoke in favor of adoption of the amendments, and Mr. Wang spoke against them.

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

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Fuhrman and others to Substitute House Bill No. 1330, and the amendments were not adopted by the following vote: Yeas - 42, Nays - 52, Absent - 2, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Dorn, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Jones, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Prince, Rasmussen, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Winsley, Wood, Wynne - 42.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Hine, Inslee, Jacobsen, Johnson R., King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Pruitt, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Valle, Wang, Wilson, Wineberry, Zellinsky, and Mr. Speaker - 52.

Absent: Representatives Heavey, Sprengle - 2.

Excused: Representatives Betrozoff, Braddock - 2.

Mr. Fuhrman moved adoption of the following amendments by Representatives Fuhrman and Chandler:

On page 71, line 21, strike "\$59,341,000" and insert "\$61,340,000"

On page 71, line 25, strike "\$86,635,000" and insert "\$88,634,000"

On page 72, after line 9, insert:

"(4) \$1,999,000 of the general fund state appropriation is provided solely to maintain the current level activities of the agency."

Mr. Fuhrman spoke in favor of adoption of the amendments, and Mr. Wang spoke against them.

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

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 71 and 72 by Representatives Fuhrman and Chandler to Substitute House Bill No. 1330, and the amendment was not adopted by the following vote: Yeas - 41, Nays - 54, Absent - 1, Excused - 2.

Voting yea: Representatives Ballard, Basich, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Jones, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rasmussen, Schmidt, Silver, Sommers, D., Tate, Vance, Wilson, Winsley, Wood, Wynne - 41.

Voting nay: Representatives Anderson, Appelwick, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Van Luven, Wang, Wineberry, Zellinsky, and Mr. Speaker - 54.

Absent: Representative Hargrove - 01.

Excused: Representatives Berozoff, Braddock - 02.

Ms. Bowman moved adoption of the following amendments by Representatives Bowman and Fuhrman:

On page 72, line 16, strike "\$49,977,000" and insert "\$50,022,000"

On page 72, line 20, strike "\$81,039,000" and insert "\$81,084,000"

On page 73, after line 9, insert the following:

"(5) \$45,000 of the wildlife fund state appropriation is provided solely for developing a multi-use comprehensive plan for the Scatter Creek wildlife area."

Representatives Bowman and Brumsickle spoke in favor of adoption of the amendments, and Mr. Wang spoke against them. The amendments were not adopted.

Mr. Nealey moved adoption of the following amendments by Representatives Nealey, D. Sommers, Edmondson, Bowman and Fuhrman:

On page 72, line 16, strike "\$49,977,000" and insert "\$50,177,000"

On page 72, line 20, strike "\$81,039,000" and insert "\$81,239,000"

On page 73, after line 9, insert the following:

"(5) \$200,000 of the wildlife fund state appropriation is provided solely to provide planning and damage control for elk throughout the state of Washington."

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

The Speaker called on Representative R. Meyers to preside.

Mr. Wang spoke against adoption of the amendments, and Mr. Brumsickle spoke in favor of them. The amendments were not adopted.

Ms. Belcher moved adoption of the following amendment:

On page 77, line 9, after "for" strike the remainder of the subsection and insert "management of natural area preserves."

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

Mr. Chandler moved adoption of the following amendments by Representatives Chandler, Nealey, Beck, Wood, Neher and D. Sommers:

On page 79, line 4, strike "\$24,398,000" and insert "\$24,910,000"

On page 79, line 10, strike "\$29,392,000" and insert "\$29,904,000"

Representatives Chandler and Wynne spoke in favor of adoption of the amendments, and Mr. Locke spoke against them.

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

ROLL CALL

The Clerk called the roll on adoption of the amendments on page 79 by Representative Chandler and others to Substitute House Bill No. 1330, and the amendments were not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Basich, Beck, Bowman, Bray, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Grant, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Riley, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 46.

Voting nay: Representatives Anderson, Appelwick, Belcher, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 50.

Excused: Representatives Berozoff, Braddock - 02.

Ms. Brough moved adoption of the following amendments by Representatives Brough, May, Nealey, Forner, P. Johnson, Ferguson, Miller, Casada, Neher, Broback and Chandler:

On page 89, line 25, after "year." insert: "A maximum of \$24,093,000 is provided for purposes of this subsection."

On page 91, after line 13, strike all of subsection (11)

Renumber remaining subsection consecutively, and correct internal references accordingly.

Ms. Brough spoke in favor of adoption of the amendments.

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

Representatives Peery, Ebersole and Dorn spoke against adoption of the amendments, and Representatives Miller, May, Moyer and P. Johnson spoke in

favor of them. Mr. Peery again opposed the amendments, and Ms. Brough again spoke in favor of them.

ROLL CALL

The Clerk called the roll on adoption of the amendments on page 89 and 91 by Representative Brough and others to Substitute House Bill No. 1330, and the amendments were not adopted by the following vote: Yeas - 39, Nays - 57, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 39.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 57.

Excused: Representatives Betzoff, Braddock - 02.

The Clerk read the following amendment by Representatives Vance, Forner, Nealey, Brough and Mitchell:

On page 92, after line 3, insert new subsection as follows:

"(13) The superintendent of public instruction shall study the ratio of staff per student, counting together as "classroom resources" current levels of certificated instructional staffing and paraprofessionals. A report identifying "classroom resource" per pupil ratios shall be provided to the appropriate fiscal and policy committees of the house of representatives and senate by November 1, 1991."

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

Mr. May moved adoption of the following amendment by Representatives May, Miller, Horn, Casada, Ferguson and Mitchell:

On page 92, after line 3, insert new subsection:

"(13) The superintendent shall prepare a study which identifies (a) the extent of the problem of large class size in areas of high population growth and; (b) proposes strategies for reduction of class size in the maximum number of high population growth districts with the largest deviations above the state-wide average class."

Mr. May spoke in favor of adoption of the amendment, and Mr. Peery spoke against it. The amendment was not adopted.

Mr. Locke moved adoption of the following amendment:

On page 7, line 20, strike "\$274,000" and insert "\$286,000"

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

Ms. Silver moved adoption of the following amendment by Representatives Silver, Forner, Horn, Wood, Beck, Miller, Casada, May, Vance, P. Johnson, Ferguson, D. Sommers, Broback and Mitchell:

On page 102, after line 14, insert a new subsection as follows:

"(17) For the purposes of adopting the 1992 supplemental appropriations act, moneys in excess of revenues assumed in the 1991-93 appropriations act shall be appropriated to the extent available and necessary to increase to forty-eight percent the portion of the general fund state budget provided to the common schools."

Representatives Silver and Paris spoke in favor of adoption of the amendment, and Mr. Ebersole spoke against it.

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

Representatives Horn, Brough and Wynne spoke in favor of the amendments, and Mr. Locke spoke against them.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 102 by Representative Silver and others to Substitute House Bill No. 1330, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 56, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Roland, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 40.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 56.

Excused: Representatives Betrozoff, Braddock - 02.

Ms. Forner moved adoption of the following amendment by Representatives Forner, Vance, Brough and Tate:

On page 102, after line 14, insert:

"(17) Any revenue projections above the March 1991 forecast for the 1991-93 biennium revenue estimates shall be allotted to K-12 as the first priority in the 1992 supplemental budget until K-12 equals 48 percent of the GF-S budget. The first priority for these additional funds shall be the reduction of average classroom size."

Ms. Forner spoke in favor of adoption of the amendment, and Mr. Peery spoke against it.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 102 by Representative Forner and others to Substitute House Bill No. 1330, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 56, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Roland, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 40.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 56.

Excused: Representatives Berozoff, Braddock - 02.

Mr. Holland moved adoption of the following amendment by Representatives Holland, Marshall, Paris, May, Vance, Bowman, Forner, Wood, Horn, Ferguson, Casada and Broback:

On page 102, after line 14, insert the following new subsection:

"(17) Salary increase monies granted under this section may be used by a school district to reduce the ratio of pupils to classroom staff from those levels that would have occurred if these monies were applied entirely for salary increase purposes. If a district chooses to spend a portion of monies allocated in this section in this manner then it will be exempt from salary conditions and limitations is subsections (11), (12), (14) and (15)."

Mr. Holland spoke in favor of adoption of the amendment, and Mr. Peery spoke against it.

The Speaker resumed the Chair.

Representatives Paris and Wynne spoke against the amendment. The amendment was not adopted.

The Clerk read the following amendment by Representatives Forner, Vance, Brough and Tate:

On page 102, after line 14, insert:

"(17) First priority in the supplemental budget for K-12 from revenue above the March 1991 forecast for the 1991-93 biennium shall be given to reduction of classroom size."

With consent of the House, Ms. Forner withdrew the amendment.

Mr. Ferguson moved adoption of the following amendments by Representatives Ferguson, Miller, May and Horn:

On page 106, line 23 strike "\$86,320,000" and insert "\$88,320,000"

On page 107, after line 16, insert the following:

"(4) \$2,000,000 is provided solely for the Lake Washington school district for furniture, equipment, and expenses incurred by the district in satisfying building permit requirements associated with a facilities construction project at the Lake Washington vocational technical institute."

Representatives Ferguson and Miller spoke in favor of adoption of the amendments, and Mr. Dorn spoke against them. The amendments were not adopted.

Ms. Brough moved adoption of the following amendments by Representatives Brough, Forner, Paris, Wood, P. Johnson, Vance, Ferguson and Mitchell:

On page 113, line 6, strike "\$10,255,000" and insert "\$19,272,000"

On page 113, line 13, strike "one and one-half" and insert "three"

Ms. Brough spoke in favor of adoption of the amendments, and Mr. Dorn spoke against them. The amendments were not adopted.

Mr. Holland moved adoption of the following amendments by Representatives Holland, Paris, Nealey, Forner, Wood and Ferguson:

On page 113, line 6, strike "\$10,255,000" and insert "\$10,419,000"

On page 113, line 15, strike "\$356,000" and insert "\$520,000"

Mr. Holland spoke in favor of adoption of the amendments, and they were adopted.

Ms. Cole moved adoption of the following amendments:

On page 115, line 24, strike "\$37,753,000" and insert "\$37,778,000"

On page 115, line 26, strike "\$49,253,000" and insert "\$49,278,000"

On page 120, after line 28, insert the following:

"(21) \$25,000 of the general fund state appropriation is provided solely for the superintendent of public instruction to conduct, in cooperation with at least one school district, a pilot program to test the feasibility of using video cameras inside of school buses to reduce discipline problems and assist school bus drivers in identifying students who create discipline problems. The superintendent of public instruction shall report its findings to the education committees of the house of representatives and the senate by December 31, 1991."

Ms. Cole spoke in favor of adoption of the amendments, and Ms. Silver spoke against them.

The Speaker stated the question before the House to be adoption of the amendments on pages 115 and 120 by Representative Cole to Substitute House Bill No. 1330.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 48, Nays - 46. The amendments were adopted.

Mr. Holland moved adoption of the following amendment by Representatives Holland and Paris:

On page 117, line 7, strike "\$4,500,000" and insert "\$9,000,000"

Representatives Holland and Paris spoke in favor of adoption of the amendment, and Mr. Peery spoke against it.

Mr. Paris demanded an electric roll call vote, and the demand was not sustained.

Mr. Basich spoke against the amendment, and it was not adopted.

Mr. Pruitt moved adoption of the following amendment:

On page 120, line 3, strike all of subsection (18) and insert the following new subsection:

"(18) \$7,500,000 is provided solely for a complex needs factor to be allocated by a formula adopted by the superintendent after consultation with representatives of the legislature, governor, teachers, administrators, students, school board members and others. The moneys shall be distributed to school districts qualifying for elements specified in this subsection within the amount provided in this subsection. The elements of the complex needs formula shall include elements specified in LEAP document 30, as developed by the legislative evaluation and accountability program committee on April 6, 1991, at 1200 hours. "LEAP Document 30" means the computerized tabulation and formulas for the following elements:

(a) A poverty element based on the ratio of free and reduced meals compared to the headcount enrollment of the school district.

(b) A special education element, based in part on the ratio of special education students compared to the headcount enrollment of the school district. School districts with more than 2,000 students participating in special education programs shall receive at least \$50 per weighted special education student. A minimum of nine percent of the students must be participating in special education programs for a district to qualify for this funding element.

(c) A bilingual education element, based in part on the ratio of students participating in bilingual education programs compared to headcount enrollment of the school district. School districts with more than twenty-five thousand headcount enrollment shall receive a minimum of \$150 per weighted bilingual student. For districts with enrollment under twenty-five thousand, a minimum of nine percent of the district students must be participating in bilingual education programs for a district to qualify for this funding factor, except that any district with over twenty percent enrollment in bilingual programs shall receive a minimum of \$50 per student."

Mr. Pruitt spoke in favor of adoption of the amendment, and it was adopted.

Ms. Brough moved adoption of the following amendments by Representatives Brough, Horn, Nealey, Miller, Casada, Vance, May, Mielke,

Forner, Mitchell, P. Johnson, Winsley, D. Sommers, Neher, Ferguson and Broback:

On page 123, line 3, strike "\$5,600,000" and insert "\$63,600,000"

On page 123, line 6, strike "The appropriation" and insert "\$5,600,000"

On page 123, after line 11, insert the following new subsection:

"(2) \$58,000,000 is provided solely for the 1991-93 fiscal period for the local education enhancement program as provided by the 1990 appropriations act, chapter 16, Laws of 1990 1st ex. sess. It is the intent of the legislature that these programs be planned, operated and funded on a fiscal year basis."

Renumber remaining subsections.

Representatives Brough, May, Wynne and P. Johnson spoke in favor of adoption of the amendments.

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

Mr. Neher spoke in favor of adoption of the amendments, and Mr. Peery spoke against them.

ROLL CALL

The Clerk called the roll on adoption of the amendments on page 123 by Representative Brough and others to Substitute House Bill No. 1330, and the amendments were not adopted by the following vote: Yeas - 40, Nays - 56, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Hom, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Roland, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 40.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 56.

Excused: Representatives Berozoff, Braddock - 02.

The Speaker called on Representative R. Meyers to preside.

Mr. Morton moved adoption of the following amendments by Representatives Morton, Fuhrman, P. Johnson, Casada, Broback and Chandler:

On page 124, after line 18, insert the following:

NEW SECTION. Sec. 524. FOR COMMON SCHOOL CONSTRUCTION

General Fund Appropriation \$ 25,000,000

The appropriation in this section is subject to the following conditions and limitations: The funds appropriated in this section shall be deposited in the common school construction fund.

NEW SECTION. Sec. 525. FOR THE STATE BOARD OF EDUCATION

Common School Construction Fund Appropria-
tion \$ 25,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for public school building construction."

Mr. Morton spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 124 by Representative Morton and others to Substitute House Bill No. 1330, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 56, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Ferguson, Former, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Roland, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 40.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 56.

Excused: Representatives Betrozoff, Braddock - 02.

Mr. Mielke moved adoption of the following amendments by Representatives Mielke, Mitchell, Horn, Former, Ferguson, P. Johnson, Wood, Brough, Casada, Nealey, May, Fuhrman, Vance, Miller, Neher, Broback and Chandler:

On page 127, line 6, strike "86,450" and insert "87,400"

On page 131, line 24, strike "\$705,307,000" and insert "\$707,844,000"

Mr. Mielke spoke in favor of adoption of the amendments, and Ms. Spanel spoke against them.

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

Representatives Brough, Horn and Ferguson spoke in favor of the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 127 and 131 by Representative Mielke and others to Substitute House Bill No. 1330, and

the amendment was not adopted by the following vote: Yeas - 44, Nays - 52, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Basich, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Former, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Roland, Schmidt, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 44.

Voting nay: Representatives Anderson, Appelwick, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Rust, Scott, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 52.

Excused: Representatives Betrozoff, Braddock - 02.

Mr. Locke moved adoption of the following amendments by Representatives Locke, Holland, Peery and Brough:

On page 92, line 6, strike "\$236,176,000" and insert "\$217,788,000"

On page 96, after line 12, insert new subsection as follows:

"(6) In addition to the salary amounts otherwise provided in this section, an educational expense payment of no less than \$2,000 per school year shall be provided to teachers who have zero, one, or two years of service."

Renumber remaining subsections and correct internal references accordingly.

On page 96, after line 17, strike all material through line 3 on page 98 and insert:

"Years

of

Service

	BA	BA+15	BA+30	BA+45
0	20,801	21,363	21,945	22,528
1	21,482	22,063	22,664	23,285
2	22,178	22,776	23,395	24,076
3	22,908	23,525	24,161	24,880
4	23,652	24,307	24,961	25,718
5	24,430	25,102	25,775	26,589
6	25,240	25,910	26,620	27,492
7	26,064	26,750	27,478	28,407
8	26,899	27,624	28,368	29,374
9		28,528	29,309	30,352
10			30,262	31,379
11				32,437
12				33,461
13				
14				
15 or more				

Years

of

Service

	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	24,400	25,606	24,939	26,811	28,018
1	25,212	26,434	25,696	27,624	28,846
2	26,035	27,295	26,488	28,447	29,706
3	26,874	28,188	27,292	29,286	30,600

4	27,764	29,115	28,130	30,176	31,527
5	28,668	30,073	29,000	31,080	32,485
6	29,603	31,043	29,904	32,015	33,455
7	30,569	32,065	30,818	32,981	34,476
8	31,566	33,116	31,786	33,978	35,528
9	32,595	34,198	32,762	35,007	36,609
10	33,653	35,308	33,791	36,064	37,720
11	34,760	36,449	34,849	37,172	38,861
12	35,897	37,637	35,949	38,309	40,049
13	37,062	38,854	37,086	39,474	41,265
14	38,233	40,116	38,258	40,720	42,528
15 or more	39,227	41,159	39,252	41,779	43,634"

On page 98, after line 17, strike all material through line 1 on page 100 and insert:

"Years of Service					
	BA	BA+15	BA+30	BA+45	
0	21,529	22,110	22,713	23,316	
1	22,234	22,835	23,457	24,100	
2	22,954	23,573	24,214	24,919	
3	23,710	24,348	25,007	25,751	
4	24,480	25,158	25,835	26,618	
5	25,285	25,980	26,677	27,519	
6	26,123	26,816	27,552	28,455	
7	26,976	27,686	28,440	29,401	
8	27,840	28,590	29,361	30,402	
9		29,527	30,335	31,414	
10			31,321	32,477	
11				33,572	
12				34,632	
13					
14					
15 or more					

Years of Service					
	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	25,254	26,502	25,812	27,750	28,998
1	26,094	27,359	26,596	28,590	29,855
2	26,947	28,250	27,415	29,443	30,745
3	27,814	29,175	28,247	30,311	31,671
4	28,736	30,134	29,115	31,232	32,630
5	29,671	31,125	30,016	32,167	33,622
6	30,639	32,130	30,951	33,135	34,626
7	31,639	33,187	31,897	34,135	35,683
8	32,671	34,275	32,898	35,167	36,771
9	33,736	35,394	33,909	36,232	37,891
10	34,830	36,544	34,974	37,327	39,040
11	35,977	37,725	36,068	38,473	40,221
12	37,153	38,954	37,207	39,649	41,450
13	38,359	40,213	38,384	40,855	42,710
14	39,571	41,520	39,597	42,146	44,016

15 or more	40,600	42,600	40,626	43,241	45,161"
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On page 102, line 17, strike "\$50,965,000" and insert "\$50,264,000"

Adjust all factors and percentages in sections 503 and 504 to conform with the increase in the appropriations in those sections and with the new tables in these amendments.

On page 100, line 27, after "service" insert ", combined with the educational expense payment in subsection (6) of this section"

On page 101, line 6, after "service" insert ", combined with the educational expense payment in subsection (6) of this section"

On page 101, line 12, after "service" insert ", combined with the educational expense payment in subsection (6) of this section"

On page 101, line 16, after "service" insert ", combined with the educational expense payment in subsection (6) of this section"

On page 101, line 22, after "service" insert ", combined with the educational expense payment in subsection (6) of this section"

On page 101, line 28, after "service" insert ", combined with the educational expense payment in subsection (6) of this section"

Representatives Locke and Holland spoke in favor of adoption of the amendments, and they were adopted.

Ms. Silver moved adoption of the following amendments:

On page 127, after "section." on line 15, strike all material through "1993."

On page 128, line 5, and insert the following:

	"1991-92	1992-93
University of Washington ...	\$ 3,425,000	9,784,000
Washington State University..	\$ 1,611,000	4,888,000
Eastern Washington University ..	\$ 497,000	1,381,000
Central Washington University ..	\$ 437,000	1,193,000
The Evergreen State College ...	\$ 238,000	659,000
Western Washington State University..	\$ 609,000	1,664,000
State Board for Community College Education.....	\$ 3,905,000	10,509,000
Higher Education Coordinating Board	\$ 40,000	68,000

(b) The amounts listed in (3)(a) of this subsection shall be used to provide faculty, exempt staff, teaching and research assistants, and medical residents at four year institutions and in the community colleges system as a whole average salary increases of 3.5 percent on January 1, 1992, and 3.5 percent on January 1, 1993. In providing these increases, institutions shall ensure that each person employed as faculty, exempt staff, teaching and research assistants, or medical residents is granted a salary increase of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993."

On page 128, beginning with line 22, strike all material down to and including "(6)" on page 131, line 9 and insert the following:

"(4) The following amounts from the appropriations in sections 602 and 610 of this act, or as much thereof as may be necessary, shall be spent to provide employees classified by the higher education personnel board a 3.5 percent across-the-board salary increase effective January 1, 1992, and additional 3 percent across-the-board salary increase effective January 1, 1993.

(a) The salary increases granted in this subsection (4) shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(b) No salary increases may be paid under this subsection (4) to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

	1991-92	1992-93
University of Washington ...	\$ 1,502,000	3,503,000
Washington State University..	\$ 873,000	2,036,000
Eastern Washington University ..	\$ 242,000	566,000
Central Washington University ..	\$ 199,000	463,000
The Evergreen State College ...	\$ 137,000	319,000
Western Washington State University	\$ 275,000	641,000
State Board for Community College Education.....	\$ 1,751,000	4,085,000

Higher Education Coordinating

Board \$ 12,000 28,000"

On page 131, line 24, strike "\$705,307,000" and insert "\$705,622,000"

On page 133, line 8, strike "\$677,126,000" and insert "\$675,904,000"

On page 133, line 12, strike "\$685,166,000" and insert "\$683,944,000"

On page 134, line 4, strike "\$373,557,000" and insert "\$372,760,000"

On page 134, line 22, strike "\$101,002,000" and insert "\$100,918,000"

On page 135, line 4, strike "\$86,145,000" and insert "\$86,072,000"

On page 135, line 12, strike "\$54,657,000" and insert "\$54,596,000"

On page 136, line 23, strike "\$113,233,000" and insert "\$113,136,000"

On page 137, line 7, strike "\$4,149,000" and insert "\$4,159,000"

On page 137, line 9, strike "\$4,379,000" and insert "\$4,389,000"

On page 140, line 19, strike "\$2,439,000" and insert "\$2,397,000"

On page 141, after line 2, strike all of subsection (2) and insert the following:

"(2) \$50,000, or as much thereof as may be necessary, is provided solely for a 3.5 percent across-the-board salary increase effective January 1, 1992, and an additional 3 percent across-the-board salary increase effective January 1, 1993, for classified and exempt staff of the higher education personnel board."

On page 148, line 25, strike "\$114,610,000" and insert "\$116,933,000"

On page 148, line 26, strike "\$19,727,000" and insert "\$16,748,000"

On page 149, line 2, strike "\$95,110,000" and insert "\$110,809,000"

On page 149, line 3, strike "\$229,447,000" and insert "\$244,490,000"

On page 149, after line 7, strike all of subsection (1) and insert the following:

"(1) \$59,450,000 of the general fund state appropriation, \$15,630,000 of the general fund federal appropriation, and \$43,428,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for a 3.5 percent across-the-board salary increase effective January 1, 1992, and an additional 3 percent across-the-board salary increase effective January 1, 1993, for all classified and exempt employees under the state personnel board and commissioned officers of the Washington state patrol."

On page 152, line 4, strike "\$276.24" and insert "\$301.47"

On page 152, line 5, strike "\$302.98" and insert "\$328.73"

On page 153, line 8, strike "\$14,173,000" and insert "\$5,190,000"

Ms. Silver spoke in favor of adoption of the amendments, and Mr. Locke spoke against them. Ms. Silver again spoke in favor of the amendments. The amendments were not adopted.

Mr. Locke moved adoption of the following amendments:

On page 127, line 15, after "section" strike all material through "1993." on line 5, page 128, and insert the following:

	"1991-92	1992-93
University of Washington ...	\$ 3,806,000	10,806,000
Washington State University..	\$ 1,791,000	5,442,000
Eastern Washington University ..	\$ 553,000	1,538,000
Central Washington University ..	\$ 486,000	1,328,000
The Evergreen State College ...	\$ 264,000	734,000
Western Washington State University..	\$ 678,000	1,853,000
State Board for Community College Education.....	\$ 4,342,000	11,701,000
Higher Education Coordinating Board	\$ 25,000	75,000

(b) The amounts listed in (3) (a) of this subsection shall be used to provide faculty, exempt staff, teaching and research assistants, and medical residents at four-year institutions and in the community colleges system as a whole average salary increases of 3.9 percent on January 1, 1992, and 3.9 on January 1, 1993. In providing these increases, institutions shall ensure that each person employed as faculty, exempt staff, teaching and research assistants, or medical residents is granted a salary increase of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993. The remaining amounts shall be used by each institution of higher education and the community college system to grant salary increases on January 1, 1992, and on January 1, 1993, that address their most serious salary inequities among faculty and exempt staff. The state board for community college education shall assess salary equity in the system, and establish guidelines for the allocation of the remaining amounts. The community college districts shall distribute their remaining amounts consistent with the state board's allocation."

On page 128, after line 21, strike all of material through page 130, line 17, and insert:

"(4) (a) The following amounts from the appropriations in sections 602 and 610 of this act, or as much there of as may be necessary, shall be spent to provide employees classified by the higher education personnel board a 3.6 percent across-the-board increase effective January 1, 1992, and an additional 3.6 percent across-the-board increase effective January 1, 1993.

	1991-92	1992-93
University of Washington ...	\$ 1,422,000	4,316,000
Washington State University..	\$ 868,000	2,467,000
Eastern Washington University ..	\$ 214,000	651,000
Central Washington University ..	\$ 172,000	525,000
The Evergreen State College ...	\$ 131,000	396,000
Western Washington State University	\$ 232,000	724,000
State Board for Community College Education.....	\$ 1,323,000	4,030,000
Higher Education Coordinating Board	\$ 12,000	36,000"

Renumber remaining subsections consecutively.

On page 130, after line 24, strike all material through page 131, line 8

On page 131, line 24, strike "\$705,307,000" and insert "\$705,381,000"

On page 133, line 8, strike "\$677,126,000" and insert "\$676,849,000"
 On page 133, line 12, strike "\$685,166,000" and insert "\$684,889,000"
 On page 134, line 4, strike "\$373,557,000" and insert "\$373,458,000"
 On page 134, line 22, strike "\$101,002,000" and insert "\$100,995,000"
 On page 135, line 4, strike "\$86,145,000" and insert "\$86,133,000"
 On page 135, line 12, strike "\$54,657,000" and insert "\$54,660,000"
 On page 136, line 23, strike "\$113,233,000" and insert "\$113,217,00"
 On page 137, line 7, strike "\$4,149,000" and insert "\$4,126,000"
 On page 137, line 9, strike "\$4,379,000" and insert "\$4,356,000"
 On page 140, line 19, strike "\$2,439,000" and insert "\$2,407,000"

On page 141, after line 2, strike all material down to and including "act." on line 15 and insert the following:

"(2) \$60,000, or as much thereof as may be necessary, is provided solely for a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional 3.6 percent across-the-board salary increase effective January 1, 1993, for classified and exempt staff of the higher education personnel board."

On page 148, line 25, strike "\$114,610,000" and insert "\$114,939,000"

On page 148, line 26, strike "\$19,727,000" and insert "\$17,618,000"

On page 149, line 2, strike "\$95,110,000" and insert "\$106,456,000"

On page 149, line 3, strike "\$229,447,000" and insert "\$239,013,000"

On page 149, after line 7, strike all of subsection (1) and insert the following:

"(1) \$62,500,000 of the general fund state appropriation, \$16,500,000 of the general fund federal appropriation, and \$46,475,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional 3.6 percent across-the-board salary increase effective January 1, 1993, for all classified and exempt employees under the state personnel board and commissioned officers of the Washington state patrol."

On page 152, line 4, strike "\$276.24" and insert "\$292.37"

On page 152, line 5, strike "\$302.98" and insert "\$319.38"

On page 152, line 8, strike "\$7.48" and insert "\$7.98"

On page 152, line 9, strike "\$5.67" and insert "\$5.92"

On page 153, line 8, strike "\$14,173,000" and insert "\$6,650,000"

Ms. Spanel moved adoption of the following amendment by Representatives Spanel and Cooper to the amendments by Representative Locke:

On page 1, beginning on line 16 of the amendment, strike all of the material through line 11, page 2 of the amendment and insert:

"(b) The amounts listed in (3)(a) of this subsection for four-year institutions of higher education and the higher education coordinating board shall be used to provide faculty, exempt staff, teaching and research assistants, and medical residents at each institution average salary increases of 3.9 percent on January 1, 1992, and 3.9 percent on January 1, 1993. In providing these increases, institutions shall ensure that each person employed as faculty, exempt staff, teaching and research assistants, or medical residents is granted a salary increase of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993. The remaining amounts shall be used by each institution to grant salary increases on January 1, 1992, and on January 1, 1993 that address their most serious salary inequities among faculty and exempt staff.

(c) The amounts listed in (3)(a) of this section for the state board for community college education shall be used to provide faculty and exempt staff for the community college system as a whole, average salary increases of 3.9 percent on January 1, 1992, and 3.9 percent on January 1, 1993."

Ms. Spanel spoke in favor of adoption of the amendment to the amendments, and it was adopted.

The amendments by Representative Locke as amended were adopted.

The Clerk read the following amendment by Representatives R. King and Cooper:

On page 128, on line 2, after "provide" strike "each person employed as"

On page 128, on line 4, after "system" strike "a" and insert "an average"

With consent of the House, Mr. R. King withdrew the amendments.

Mr. Mielke moved adoption of the following amendments by Representatives Mielke, Mitchell, Ferguson, P. Johnson, Nealey, May, Casada, Wood, Forner, Fuhrman, Miller, Broback, Vance and Horn:

On page 128, line 9, strike "\$1,000,000" and insert "\$2,300,000"

On page 131, line 24, strike "\$705,307,000" and insert "\$706,607,000"

Representatives Mielke and Nealey spoke in favor of adoption of the amendments, and Ms. Spanel spoke against them.

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

Ms. Miller spoke in favor of the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 128 and 131 by Representative Mielke and others to Substitute House Bill No. 1330, and the amendments were not adopted by the following vote: Yeas - 43, Nays - 53, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Basich, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Roland, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 43.

Voting nay: Representatives Anderson, Appelwick, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 53.

Excused: Representatives Betrozoff, Braddock - 02.

Mr. Mielke moved adoption of the following amendments by Representatives Mielke, Forner, Edmondson, Mitchell, Horn, Ferguson, D. Sommers, P. Johnson, Nealey, Casada, Wood, Winsley, Brough, May, Fuhrman, Miller, Vance, Neher, Broback and Paris:

On page 128, after line 21, insert:

"(e) In addition to the amounts specified in subsection (3)(a) of this section, \$29,300,000 is authorized to fund community college faculty salaries at levels equivalent to teachers with comparable levels of education and experience that are teaching in Washington's public kindergarten through twelfth grade schools."

On page 131, line 24, strike "\$705,307,000" and insert "\$734,607,000"

Mr. Mielke spoke in favor of adoption of the amendments, and Mr. Ebersole spoke against them.

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

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 128 and 131 by Representative Mielke and others to Substitute House Bill No. 1330, and the amendments were not adopted by the following vote: Yeas - 40, Nays - 56, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Roland, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 40.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dom, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 56.

Excused: Representatives Betrozoff, Braddock - 02.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker called the House to order.

Ms. Spanel moved adoption of the following amendment by Representative Insee:

On page 132, line 17, after "notes." strike the remainder of subsection (5) and insert "Any 1992-93 enrollment increases funded in 1992 shall be distributed among the community college districts based on an updated enrollment plan to be completed by the state board for community college education by December 1, 1991. The plan shall consider but not be limited to the following criteria for determining district enrollment levels: the relative rate of growth in 1991-93 for districts with comparable service levels significantly below the statewide average, disparity in service levels among districts, training needs of employers, and the needs of special student populations."

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

Mr. Bray moved adoption of the following amendments by Representatives Bray, Ludwig, Grant and Neher:

On page 134, line 4, strike "\$373,557,000" and insert "\$373,713,000"

On page 134, line 9, strike "\$7,958,000" and insert "\$8,114,000"

Mr. Bray spoke in favor of adoption of the amendments, and they were adopted.

Mr. Paris moved adoption of the following amendments by Representatives Nealey, Paris, Neher and D. Sommers:

On page 134, line 4, strike "\$373,557,000" and insert "\$374,057,000"

On page 134, line 10, after "campus." strike all material through line 14 and insert "At least \$1,000,000 of this amount is for a food and environmental quality laboratory."

Representatives Paris and Nealey spoke in favor of adoption of the amendments, and Mr. Grant spoke against them. The amendments were not adopted.

Mr. Grant moved adoption of the following amendment:

On page 134, beginning on line 9, strike subsection (2) and insert the following:

"(2) At least \$7,458,000 shall be spent to operate upper division and graduate level courses at the Tri-Cities branch campus. At least \$500,000 of this amount shall be used to implement sections 6, 7, and 8 of Engrossed Substitute House Bill No. 1426, if that bill is enacted by June 30, 1991."

Mr. Grant spoke in favor of adoption of the amendment, and it was adopted.

Mr. G. Fisher moved adoption of the following amendments:

On page 135, line 19, after "shall" strike "conduct a" and insert "develop a plan for conducting a program review of the office of the superintendent of public instruction. In developing this proposed plan, the institute shall conduct a pre-program-review"

On page 136, line 20, after "recommendations" insert "and proposed program review plan"

Mr. G. Fisher spoke in favor of adoption of the amendments, and they were adopted.

The Clerk read the following amendment by Representatives Tate, Vance, P. Johnson and Broback:

On page 136, after line 21, insert the following:

"(4) The Washington state institute of public policy shall prepare a report on "boot camp," "shock incarceration programs," and other structured residential programs that provide education, rehabilitation activities, treatment, and aftercare for first time offenders and drug offenders. The report shall include but not be limited to the following:

(a) A description of the components of each of these programs and how they operate.

(b) The rehabilitative components of each of the programs, and data describing rehabilitation outcomes in each of the programs.

(c) Comparative recidivism data for each program discussed that includes comparison with appropriate programs in the United States, and with other programs discussed in the report.

(d) The types of offenders best suited to each program.

(e) The direct and nondirect cost associated with housing, training staff, planning, and operating each of the programs.

The institute shall submit the report to the governor, the legislature, appropriate state agencies, and local corrections agencies by December 12, 1991. Copies of the report shall be made available to the public."

With consent of the House, Representative Tate withdrew the amendment.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove, Tate, Haugen, P. Johnson and Broback:

On page 136, after line 21, insert the following:

"(4) The Washington state institute of public policy shall prepare a report on "different and innovative rehab" programs that provide education, rehabilitation activities, treatment, and aftercare for first time offenders and drug offenders. The report shall include but not be limited to the following:

(a) A description of the components of each of these programs and how they operate.

(b) The rehabilitative components of each of the programs, and data describing rehabilitation outcomes in each of the programs.

(c) Comparative recidivism data for each program discussed that includes comparison with appropriate programs in the United States, and with other programs discussed in the report.

(d) The types of offenders best suited to each program.

(e) The direct and nondirect cost associated with housing, training staff, planning, and operating each of the programs.

The institute shall submit the report to the governor, the legislature, appropriate state agencies, and local corrections agencies by December 12, 1991. Copies of the report shall be made available to the public."

Representatives Hargrove and Tate spoke in favor of adoption of the amendment, and it was adopted.

Ms. Spanel moved adoption of the following amendment by Representatives Spanel and May:

On page 138, line 18, after "implement" strike the remainder of subsection (6) and insert "the following measures regarding tuition and fee waivers, reduced fees, and residency exemptions:

(a) Require each state university, regional university, state college, and the community college system to include a special report on tuition and fee waivers in its biennial budget request.

(b) By December 1, 1991, in cooperation with the house of representatives and senate higher education and fiscal committees, develop and recommend evaluation criteria. The criteria shall include, but not be limited to, consideration of a financial needs test and a reauthorization requirement. The criteria for space-available waiver programs shall include, but not be limited to, consideration of overall access, demand, and effectiveness in achieving program goals.

(c) Using the criteria, review and evaluate at least half of the existing programs by June 30, 1993, and recommend the continuation, modification, or termination of evaluated programs to the governor, the legislature, and the institutions of higher education."

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

Mr. Van Luven moved adoption of the following amendments:

On page 138, line 23, strike "\$73,837,000" and insert "\$73,885,000"

On page 138, line 26, strike "\$77,203,000" and insert "\$77,251,000"

On page 139, line 7, strike "\$71,835,000" and insert "\$71,883,000"

On page 139, after line 18, insert:

"(d) \$48,000 is provided solely to continue the Washington State Pacific Rim scholarship program, including administrative costs. Under the program, the board shall select up to four students yearly from each congressional district to receive a Washington State Pacific Rim scholarship. Of the four students selected, one student shall be a proficient speaker of Spanish, one of Russian, one of Japanese, and one of Chinese. Using measures as objective as possible, the board shall select students who have shown the most improvement in their ability to speak the language during their high school careers. If there are no qualified applicants for a particular scholarship, the board may select a student from qualified applicants in other languages or congressional districts."

Mr. Van Luven spoke in favor of adoption of the amendments, and Mr. Inslee spoke against them. The amendments were not adopted.

Mr. Fuhrman moved adoption of the following amendment by Representatives Fuhrman, Horn, Neher, Nealey, Beck, Casada, D. Sommers, Chandler, P. Johnson, Tate and Wilson:

On page 142, after line 8, insert:

"The appropriations in this section shall be subject to the following conditions and limitations: \$10,000 of the general fund state appropriation is provided solely for the removal of the murals, The Twelve Labors of Hercules, from the walls of the house chambers. The commission shall arrange for the murals to be exhibited in a more appropriate location within the state system or sell them at fair market value and deposit the proceeds in the state general fund."

Mr. Fuhrman spoke in favor of adoption of the amendment, and Mr. O'Brien spoke against it. The amendment was not adopted.

POINT OF ORDER

Mr. Padden: Mr. Speaker, there were numerous members of the House who were waiting to speak and wanted to ask for a recorded roll call on the amendment. They were in plain view and should have been recognized. I would ask that the amendment be redone so that we can do it properly and have a vote on this important issue.

SPEAKER'S REPLY

The Speaker: I am sorry, Representative Padden. I simply did not see or hear anybody else standing. With consent of the House, a roll call has been called for on the amendment on page 142 by Representative Fuhrman and others.

The Speaker stated the question before the House to be adoption of the amendment on page 142 by Representative Fuhrman and others.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 142 by Representative Fuhrman and others to Substitute House Bill No. 1330, and the amendment was not adopted by the following vote: Yeas - 37, Nays - 55, Absent - 4, Excused - 2.

Voting yea: Representatives Ballard, Basich, Beck, Belcher, Bowman, Broback, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Fuhrman, Hargrove, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wood, Wynne - 37.

Voting nay: Representatives Anderson, Appelwick, Brekke, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Locke, Meyers, R., Miller, Mitchell, Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Scott, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 55.

Absent: Representatives Bray, Leonard, Ludwig, Rust - 04.

Excused: Representatives Berozoff, Braddock - 02.

Ms. R. Fisher moved adoption of the following amendments by Representatives Schmidt and R. Fisher:

On page 148, line 25, strike "\$114,610,000" and insert "\$114,690,000"

On page 148, line 26, strike "\$19,727,000" and insert "\$19,735,000"

On page 149, line 2, strike "\$95,110,000" and insert "\$97,663,000"

On page 149, line 3, strike "\$229,447,000" and insert "\$232,088,000"

On page 150, line 5, strike "subsection (3)" and insert "subsections (3) and (4)"

On page 151, after line 8, strike all material down to and including "\$2,350,000" on line 10 and insert the following:

"(4) \$121,000 of the general fund state appropriation, \$8,000 of the general fund federal appropriation, and \$4,030,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a four range, or approximately 10 percent, salary increase effective July 1, 1991, for the transportation technician 2, transportation engineer 2, transportation engineer 5, and right-of-way agent 2 job classes, and all job classes directly indexed to one of those four benchmark job classes.

(5) \$759,000 of the general fund state appropriation, \$147,000 of the general fund federal appropriation, and \$873,000"

On page 151, line 13, after "for the" strike all material down to and including "transportation engineer 5," on line 14

On page 151, line 16, strike "six" and insert "three"

Ms. R. Fisher spoke in favor of adoption of the amendments, and they were adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1200,
SUBSTITUTE HOUSE BILL NO. 1304,
HOUSE BILL NO. 1450.

The Clerk read the following amendment by Representatives Bowman, P. Johnson, Miller, Winsley and Wood:

On page 149, after line 7, insert:

"(1) Notwithstanding any other provisions of section 711 the office of financial management shall disregard pay increases proposed for January 1, 1993 and shall use the savings thereby obtained to increase the monthly contributions for insurance benefit premiums."

With consent of the House, Representative Bowman withdrew the amendment.

MOTION

On motion of Mr. Mielke, Representative Nealey was excused.

Mr. Paris moved adoption of the following amendment by Representatives Paris, Miller, Casada and D. Sommers:

On page 156, after line 7 insert an new section:

"NEW SECTION. Sec. 715. FOR THE STATE TREASURER -- TRANSFERS \$40,000,000 is appropriated from the general fund state solely for transfer to the budget stabilization account as follows: After each quarterly revenue forecast update by the economic and revenue forecast council, the treasurer shall determine whether the forecasted general fund state revenue for 1991-93 exceeds the forecast adopted by the council in March 1991. After each forecast update, the treasurer shall also determine whether the general fund state revenue forecasted for 1991-93 exceeds the amount forecasted at the prior update. If the forecast exceeds the amount forecast in March 1991 and exceeds the amount forecast at the last update, the treasurer shall transfer funds to the budget stabilization account. The amount of the transfer shall be equal to the amount by which the latest forecast exceeds the prior forecast."

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

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

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 156 by Representative Paris and others to Substitute House Bill No. 1330, and the

amendment was not adopted by the following vote: Yeas - 38, Nays - 57, Absent - 0, Excused - 3.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 38.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 57.

Excused: Representatives Betrozoff, Braddock, Nealey - 3.

The Speaker called on Representative R. Meyers to preside.

Mr. Fuhrman moved adoption of the following amendment by Representatives Fuhrman, Paris, Miller, Casada, Neher and Chandler:

On page 175, after line 25, insert the following new section:

"NEW SECTION. Sec. 918. All appropriations in this act shall be subject to the provisions of this section, which limits growth in the number of full time equivalent state employees. The office of financial management shall require each agency to place in reserve an amount from each fund source equal to the amount of salaries and benefits saved by limiting the growth of total state full time equivalent employment to three percent over the estimated actual 1989-91 employment shown in the governor's December, 1990, budget submission. Upon being placed in reserve, a portion of each appropriation, equal to the amount placed in reserve from that appropriation shall lapse. Reserve amounts for non-appropriated funds shall be held in reserve through the allotment process. In implementing this section, the office of financial management shall accomplish the required savings without reducing the number of higher education faculty assumed in this act."

ReNUMBER remaining sections and correct internal references.

Mr. Fuhrman spoke in favor of adoption of the amendment, and Mr. Locke spoke against it. The amendment was not adopted.

Mr. Morton moved adoption of the following amendment by Representatives Morton and D. Sommers:

On page 175, after line 25 insert the following new section:

"NEW SECTION. Sec. 918. All appropriations in this act shall be subject to the personal services contract savings provisions of this section. The office of financial management shall require each agency to place in reserve an amount equal to one-third of the amount budgeted by that agency from each fund source for personal services contracts. Upon being placed in reserve, a portion of each appropriation, equal to the amount placed in reserve from that appropriation shall lapse. Reserve amounts for non-appropriated funds shall be held in reserve through the allotment process."

ReNUMBER remaining sections and correct internal references.

Mr. Morton spoke in favor of adoption of the amendment, and Mr. Locke spoke against it. The amendment was not adopted.

Mr. Paris moved adoption of the following amendment by Representatives Paris, P. Johnson, Casada, Miller, Fuhrman and Ferguson:

On page 175, after line 25, insert the following new section:

"NEW SECTION. Sec. 918. All appropriations in this act shall be subject to the goods and services savings provisions of this section. The office of financial management shall require each agency to place in reserve an amount from each fund source equal to the amount by which the budgeted goods and services expenditures for that fund source exceed the 106.5 percent of the amount the agency expended for goods and services in 1989-91. Upon being placed in reserve, a portion of each appropriation, equal to the amount placed in reserve from that appropriation shall lapse. Reserve amounts for non-appropriated funds shall be held in reserve through the allotment process."

Re-number remaining sections and correct internal references.

Mr. Paris spoke in favor of adoption of the amendment, and Mr. Locke spoke against it.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 175 by Representative Paris and others to Substitute House Bill No. 1330, and the amendment was not adopted by the following vote: Yeas - 37, Nays - 57, Absent - 1, Excused - 3.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Neher, Padden, Paris, Prince, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 37.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 57.

Absent: Representative Schmidt - 01.

Excused: Representatives Betrozoff, Braddock, Nealey - 03.

Mr. Tate moved adoption of the following amendment:

On page 176, line 9, after "Sec. 919." insert "RCW 67.70.240 and 1987 c 513 s 7 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund for the exclusive benefit and use of public education; (4) ~~((for purposes of making deposits into the housing trust fund under the provisions of *section~~

~~7 of this 1987 act; (5))~~ for the purchase and promotion of lottery games and game-related services; and ~~((6))~~ (5) for the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

NEW SECTION. Sec. 920."

Mr. Tate spoke in favor of adoption of the amendment, and Representatives Peery and Locke spoke against it. Mr. Tate again spoke in favor of the amendment.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 176 by Representative Tate to Substitute House Bill No. 1330, and the amendment was not adopted by the following vote: Yeas - 36, Nays - 59, Absent - 0, Excused - 3.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Neher, Padden, Paris, Schmidt, Silver, Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 36.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, McLean, Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 59.

Excused: Representatives Betrozoff, Braddock, Nealey - 03.

On motion of Mr. Locke, the following amendments were adopted:

On page 39, line 23, strike "\$2,500,000" and insert "\$7,500,000"

On page 40, beginning on line 1, strike all of subsection (4)

Renumber remaining subsections consecutively and correct internal references accordingly.

On motion of Mr. Locke, the following amendment was adopted:

On page 40, after line 7, insert new subsection as follows:

"(6) The department shall establish standards for the use and frequency of use of reimbursable chiropractic services. The standards shall recognize the medical or therapeutic value of such services."

Renumber remaining subsections consecutively and correct internal references accordingly.

MOTION

Mr. Ebersole moved that the House defer further consideration of Substitute House Bill No. 1330 and that the bill hold its place on the second reading calendar. The motion was carried.

The Speaker resumed the Chair.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1058 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1058, by Representatives Wang, Holland and Fraser; by request of State Treasurer and Office of Financial Management

Reorganizing treasurer-managed funds and accounts.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1058 was substituted for House Bill No. 1058, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1058 was read the second time.

Mr. Wang moved adoption of the following amendments by Representatives Wang and Holland:

On page 53, line 23, strike everything through "earned." on line 26 and insert "The state treasurer shall develop a distribution mechanism for interest earnings that is consistent with the purposes of this section and that will maximize the daily cash balance of the general fund. Except as provided in 82.14.050, the state treasurer shall (~~distribute, on or before July 20 of each year,~~) make a final distribution no later than July 20 of each year of the earnings credited to the treasury income account ((as of June 30 to the funds for the fiscal year in which it was earned)) in the previous fiscal year."

On page 78, line 20, after "shall", strike "distribute" and insert "shall make a final distribution of"

On page 79, line 4, after "section." insert "The state treasurer shall develop a distribution mechanism for interest earnings that is consistent with the purposes of this section and that will maximize the daily cash balance of the general fund."

Mr. Wang spoke in favor of adoption of the amendments, and they were adopted.

Mr. Wang moved adoption of the following amendments by Representatives Wang, Jacobsen and Holland:

On page 53, line 29, after "~~treasury~~)" insert "American Indian scholarship endowment fund."

On page 103, line 10, strike "~~((earnings)) moneys~~" and insert "earnings"

On page 103, line 13, strike everything through line 15 and insert:

"The principal of the endowment fund shall not be invaded. The earnings on the fund shall be used solely for the purposes set forth in RCW 28B.108.040."

Mr. Wang spoke in favor of adoption of the amendments, and they were adopted.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Leonard and Prentice:

On page 54, line 1, after "account," insert "the Cedar River channel construction and operation account,"

Mr. Wang spoke in favor of adoption of the amendment, and it was adopted.

Mr. Wang moved adoption of the following amendments by Representatives Wang, Jacobsen and Holland:

On page 54, line 18, after "cost account," insert "the self-insurance revolving fund,"

On page 109, after line 10, insert:

"Sec. 118. RCW 28B.20.253 and 1976 c 12 s 2 are each amended to read as follows:

(1) A self-insurance revolving fund in the custody of the treasurer is hereby created to be used solely and exclusively by the board of regents of the University of Washington for the following purposes:

(a) The payment of judgments against the university, its schools, colleges, departments, and hospitals and against its regents, officers, employees, agents, and students for whom the defense of an action, claim, or proceeding has been provided pursuant to RCW 28B.20.250.

(b) The payment of claims against the university, its schools, colleges, departments, and hospitals and against its regents, officers, employees, agents, and students for whom the defense of an action, claim, or proceeding has been provided pursuant to RCW 28B.20.250: PROVIDED, That payment of claims in excess of twenty-five hundred dollars must be approved by the state attorney general.

(c) For the cost of investigation, administration, and defense of actions, claims, or proceedings, and other purposes essential to its liability program.

(2) Said self-insurance revolving fund shall consist of periodic payments by the University of Washington from any source available to it in such amounts as are deemed reasonably necessary to maintain the fund at levels adequate to provide for the anticipated cost of payments of incurred claims and other costs to be charged against the fund.

(3) No money shall be paid from the self-insurance revolving fund unless first approved by the board of regents, and unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted.

(4) The state investment board shall invest moneys in the self-insurance revolving fund. Moneys invested by the investment board shall be invested in accordance with RCW 43.84.150."

Renumber sections consecutively and correct any internal references accordingly.

Mr. Wang spoke in favor of adoption of the amendments, and they were adopted.

Mr. Wang moved adoption of the following amendments by Representatives Wang and Holland:

On page 54, line 21, after "state investment board" strike "other commingled trust fund investment programs account," and insert "commingled trust fund accounts,"

On page 54, line 26, after "pension" insert "principal"

On page 93, line 20, after "account" strike everything through "~~account~~)" on line 22 and insert "caused by an excess of administrative expenses disbursed from that account over earnings of investments of balances credited to that account"

On page 94, line 16, after "thereto" strike everything through "RCW 43.84.080" on line 17

On page 95, line 9, after "~~account~~)" strike everything through line 17 and insert "Any excess of earnings of investment of balances credited to this account over administrative expenses disbursed from this account shall be (~~expended~~) transferred to the deferred compensation principal account. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from this account over earnings of investments of balances credited to this account shall be transferred to this account from the deferred compensation principal account."

Mr. Wang spoke in favor of adoption of the amendments, and they were adopted.

The Clerk read the following amendment by Representatives Morris, R. King, Wilson, Haugen, Orr, Day, Basich, Silver, Holland and Cooper:

On page 54, line 22, after "account," insert "the state wildlife fund."

With consent of the House, Representative Morris withdrew the amendment.

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

Representatives Wang, Holland, Van Luven and Hargrove spoke in favor of passage of the bill, and Representatives McLean, Silver and Schmidt spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1058, and the bill passed the House by the following vote: Yeas - 50, Nays - 44, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Franklin, Fraser, Grant, Hargrove, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Morris, Myers, H., Nelson, O'Brien, Ogden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Van Luven, Wang, Wineberry, and Mr. Speaker - 50.

Voting nay: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Day, Edmondson, Ferguson, Fisher, R., Former, Fuhrman, Haugen, Heavey, Hochstatter, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Neher, Orr, Padden, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Wilson, Winsley, Wood, Wynne, Zellinsky - 44.

Absent: Representative Meyers, R. - 01.

Excused: Representatives Betrozoff, Braddock, Nealey - 03.

Engrossed Substitute House Bill No. 1058, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Due to a delay in changing my voting switch from the Speaker's Rostrum to my floor seat, I was precluded from voting on final passage of Engrossed Substitute House Bill No. 1058. Had I been able to vote, I would have voted "No."

RON MEYERS, 26th District.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1889 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1889, by Representative Locke; by request of Office of Financial Management and Dept. of Social and Health Services

Increasing the maximum deductible an indigent person pays under the limited casualty program.

The bill was read the second time.

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

Mr. Locke spoke in favor of passage of the bill, and Representatives Morton, Silver, Moyer and Horn spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1889, and the bill passed the House by the following vote: Yeas - 50, Nays - 45, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jones, King, R., Leonard, Locke, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Winsley, and Mr. Speaker - 50.

Voting nay: Representatives Ballard, Beck, Bowman, Bray, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Fisher, G., Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Johnson R., Kremen, Lisk, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Neher, Orr, Padden, Paris, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wood, Wynne, Zellinsky - 45.

Excused: Representatives Betrozoff, Braddock, Nealey - 03.

House Bill No. 1889, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately resume consideration of Substitute House Bill No. 1330 on the regular second reading calendar. The motion was carried. (For previous action, see today's Journal.)

SUBSTITUTE HOUSE BILL NO. 1330, by House Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Spanel, Inslee, Morton and Holland; by request of Governor Gardner)

Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1993.

On motion of Mr. Locke, the following amendments were adopted:

On page 5, line 5, strike "\$31,377,000" and insert "\$31,743,000"

On page 5, line 9, strike "\$2,390,000" and insert "\$2,526,000"

On page 5, line 10, strike "\$54,653,000" and insert "\$55,155,000"

On page 7, line 1, strike "\$4,774,612" and insert "\$5,140,612"

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

Mr. Locke spoke in favor of passage of the bill, and Ms. Silver spoke against it. Representatives Ebersole and Hargrove spoke in favor of the bill, and Ms. Silver again opposed it. Representatives Wineberry, Jacobsen and Leonard spoke in favor of the bill, and Representatives Moyer, Morton, Mielke and Wynne spoke against it. Mr. Locke again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1330, and the bill passed the House by the following vote: Yeas - 58, Nays - 37, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 58.

Voting nay: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wood, Wynne - 37.

Excused: Representatives Betrozoff, Braddock, Nealey - 03.

Engrossed Substitute House Bill No. 1330, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 3:30 p.m., Monday, April 8, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-FIFTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, April 8, 1991

The House was called to order at 3:30 p.m. by the Speaker (Ms. Hine presiding). The Clerk called the roll and all members were present except Representatives R. King, Morris, H. Sommers and Sprengle.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Steven Maule and Betsy Burr. Prayer was offered by The Reverend Robert Samuelson, Minister of Peace Lutheran Brethren of Olympia.

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

The Speaker (Ms. Hine presiding) declared the House to be at ease.
The Speaker (Mr. R. Meyers presiding) called the House to order.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease.
The Speaker called the House to order.

MESSAGE FROM THE SENATE

April 8, 1991

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1096,
SUBSTITUTE HOUSE BILL NO. 1460,
HOUSE BILL NO. 1489,
HOUSE BILL NO. 1812,
HOUSE BILL NO. 2073,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5149,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406,
and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2198 by Representatives Dellwo, H. Sommers, Locke, Silver, Jacobsen, O'Brien, Orr, Moyer, Day, Ebersole, D. Sommers, Wang, Mielke, Wood, Rust, Anderson, Dorn, Morris, Phillips, Hine, Kremen, Riley, Rasmussen, Spanel, Braddock, Sprenkle, Inslee, Winsley, Sheldon, Bray, Leonard, Ogden, Franklin, R. Johnson, R. Fisher, Fraser, Valle, H. Myers, Paris, Peery, R. Meyers, Jones, Zellinsky, Van Luven, Rayburn, Pruitt, R. King, Ferguson, G. Fisher, Padden, Basich, Ludwig, Haugen, Cole, Cantwell, Cooper, Nelson, Hochstatter, Chandler, Forner, P. Johnson, Casada, Brumsickle, Vance, McLean, Mitchell, Tate, Horn, Lisk, Wynne, Beck, Fuhrman, Ballard and Morton

AN ACT Relating to the joint center for higher education; amending RCW 28B.10.060, 28B.25.010, 28B.25.020, 28B.25.030, 28B.25.040, 28B.25.050, and 28B.45.050; adding new sections to chapter 28B.25 RCW; repealing RCW 28B.25.060; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 2199 by Representatives Anderson, Bowman, Pruitt, Sheldon, Chandler, Grant, Moyer, O'Brien and R. Fisher

AN ACT Relating to shared leave; and amending RCW 41.04.665.

Referred to Committee on State Government.

ESSB 5149 by Senate Committee on Law & Justice (originally sponsored by Senators Nelson and Rasmussen; by request of Public Disclosure Commission)

Regulating political gifts and public office funds.

Referred to Committee on State Government.

ESCR 8406 by Senator Hayner

Amending the cutoff resolution, House Concurrent Resolution No. 4402, to allow for further consideration of Senate Bill No. 5149.

MOTION

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

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately begin consideration of Senate Bills on the regular second reading calendar. The motion was carried.

SENATE BILL NO. 5036, by Senators Barr, Conner, Bailey and Hansen

Establishing a livestock market net worth requirement.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5036, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 4, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives King, R., Morris, Sommers, H., Sprenkle - 04.

Senate Bill No. 5036, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5045, by Senate Committee on Energy & Utilities (originally sponsored by Senators Madsen, Barr and Conner)

Providing for investigation of consumer complaints regarding drinking water quality.

The bill was read the second time.

Mr. Wilson moved adoption of the following amendment by Representatives Wilson, Haugen, Jones and Spanel:

On page 6, line 7, after "customer." insert:

"The commission shall prohibit the installation of hazardous material transmission systems which may adversely affect water systems dependent upon federally-designated sole-source aquifers."

Mr. Wilson spoke in favor of adoption of the amendment.

MOTION

Mr. Ebersole moved that the House defer further consideration of Substitute Senate Bill No. 5045 and that the bill hold its place on the second reading calendar. The motion was carried.

MOTION

On motion of Mr. Bray, Representatives R. King, Morris, H. Sommers and Sprenkle were excused.

Representative H. Sommers appeared at the bar of the House.

SENATE BILL NO. 5047, by Senators Bauer, McCaslin, Sutherland, L. Smith, Moore, Snyder, Niemi and Wojahn

Designating a state tartan.

The bill was read the second time.

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

Representatives Anderson, McLean, Cooper and R. Fisher spoke in favor of passage of the bill. Mr. McLean again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5047, and the bill passed the House by the following vote: Yeas - 81, Nays - 14, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Hine, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Morton, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Van Luven, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Ballard, Beck, Brough, Cole, Fuhrman, Heavey, Hochstatter, Locke, Mitchell, Nealey, Padden, Phillips, Vance, Wang - 14.

Excused: Representatives King, R., Morris, Sprenkle - 03.

Senate Bill No. 5047, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5049, by Senator Madsen

Simplifying disposal of abandoned junk vehicles.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, April 1, 1991.)

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

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5049 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Fuhrman, Morton - 02.

Excused: Representatives King, R., Morris, Sprenkle - 03.

Senate Bill No. 5049 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5090, by Senate Committee on Children & Family Services (originally sponsored by Senators Roach and Stratton; by request of Dept. of Social & Health Services)

Concerning foster family home licenses.

The bill was read the second time.

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

Representatives Leonard and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5090, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives King, R., Morris, Sprenkle - 03.

Substitute Senate Bill No. 5090, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5103, by Senators Craswell, Nelson, McMullen and Matson; by request of Department of Licensing

Concerning the registration of engineers.

The bill was read the second time.

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

Representatives Heavey and Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5103, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives King, R., Morris, Sprengle - 03.

Senate Bill No. 5103, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of Substitute Senate Bill No. 5116 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 5190, by Senators Bailey and Rinehart

Permitting compensation of school directors' association directors.

The bill was read the second time.

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

Representatives G. Fisher and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5190, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr,

Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives King, R., Morris, Sprenkle - 03.

Senate Bill No. 5190, having received the constitutional majority, was declared passed.

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

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

REPORTS OF STANDING COMMITTEES

April 8, 1991

HB 1152 Prime Sponsor, Representative Winsley: Excluding certain child support from food stamp need and eligibility determination. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass without amendment by Committee on Housing. (For committee amendments, see Journal, 40th Day, February 22, 1991.) Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

Excused: Representatives Ferguson; Peery; Pruitt; and Sprenkle.

Passed to Committee on Rules for second reading.

April 8, 1991

SSB 5008 Prime Sponsor, Committee on Commerce & Labor: Establishing the Pacific Northwest Economic Region. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

Voting nay: Representatives Belcher and Brekke.

Excused: Representatives Pruitt and Sprenkle.

Passed to Committee on Rules for second reading.

April 8, 1991

SSB 5010 Prime Sponsor, Committee on Ways & Means: Including occupational therapy coverage in the department of social and health services limited casualty program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments:
On page 5, after line 8, strike all of section 3

On page 1, line 1 of the title, after "RCW 74.09.700;" strike the remainder of the title and insert "and reenacting and amending RCW 74.09.520."

Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dom; Ebersole; Ferguson; Fuhrman; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Rust; H. Sommers; Valle; Vance; and Wang.

Excused: Representatives Pruitt and Sprenkle.

Passed to Committee on Rules for second reading.

April 8, 1991

2SSB 5022 Prime Sponsor, Committee on Ways & Means: Changing the Washington award for excellence in education program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education (For committee amendments, see Journal, 82nd Day, April 5, 1991.) and with the following amendments by Committee on Appropriations:

On page 6, line 14, after "state" insert "public"

On page 6, line 14, after "education" strike all remaining language through "(a)" on line 17 and insert "located in the state of Washington, except that the academic grant may be used for courses at a private institution of higher education in the state of Washington if the conditions in subsection (3) of this section are met, and the academic grant may be used for courses at a public or a private institution of higher education in another state or country if the conditions in subsection (4) of this section are met.

(2)"

On page 6, line 18, strike "(i)" and insert "(a)"

On page 6, line 21, strike "(ii)" and insert "(b)"

On page 7, beginning on line 1, strike all material through "(2)" on line 12 and insert the following:

"(3) Teachers and principals or administrators who select an academic grant under section 3(2)(a) of this act may use the grant for courses at any private institution as defined in subsection (2)(b) of this section subject to the following conditions:

(a) The academic grant shall not exceed the current academic year full-time resident graduate tuition and the services and activities fees in effect at the state-funded research universities;

(b) The academic grant shall be contingent on the private institution matching on at least a dollar-for-dollar basis, either with actual money or by waiver of fees, the amount of the academic grant received by the recipient from the state; and

(c) The academic grant may not be used for any courses that include any religious worship or exercise, or apply to any degree in religious, seminarian, or theological academic studies.

(4)"

On page 7, line 23, after "education" strike "shall submit" and insert "has submitted"

On page 7, line 25, after "in" strike "Washington." and insert "Washington; and

(d) The academic grant may not be used for any courses that include any religious worship or exercise, or apply to any degree in religious, seminarian, or theological academic studies."

Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

Excused: Representatives Pruitt and Sprenkle.

Passed to Committee on Rules for second reading.

April 8, 1991

E2SSB 5025 Prime Sponsor, Committee on Ways & Means: Providing services for at-risk youth and their families. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Human Services. (For committee amendments, see Journal, 82nd Day, April 5, 1991.) Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Ranking Minority Member; Silver, Assistant Ranking Minority Member; Morton; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

Excused: Representatives Ferguson; Pruitt; and Sprenkle.

Passed to Committee on Rules for second reading.

April 8, 1991

SSB 5114 Prime Sponsor, Committee on Ways & Means: Requiring safety enhancements for student transportation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education. (For committee amendment, see Journal, 78th Day, April 1, 1991.) Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member;

Appelwick; Belcher; Braddock; Brekke; Dorn; Ebersole; Ferguson; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

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

Excused: Representatives Bowman and Sprengle.

Passed to Committee on Rules for second reading.

April 8, 1991

ESSB 5121 Prime Sponsor, Committee on Governmental Operations: Protecting whistleblowers. Reported by Committee on Appropriations

MAJORITY Recommendation: Do pass as amended by Committee on State Government (For committee amendments, see Journal, 82nd Day, April 5, 1991.) as amended with the following amendments by Committee on Appropriations:

On page 16, after line 24 of the amendments, strike all material through the remainder of the amendments and insert the following:

NEW SECTION. Sec. 8. A new section is added to chapter 42.40 RCW to read as follows:

(1) Each local government is encouraged to adopt a whistleblower program so that its employees can disclose improper governmental actions without fear of retaliation. Each local government and its employees also shall be subject to the provisions of this chapter as if the local government were a state agency and its employees state employees. However, the auditor may decline to investigate a report of improper governmental action from a local government employee if the local government has a whistleblower program that has been approved under subsection (2) of this section and if the local government has agreed to conduct an investigation of the report. For purposes of applying the provisions of this chapter to a local government and its employees, the reference to a "state law or rule" in RCW 42.40.020(3)(a)(ii) also shall include local government laws or rules; and the term "improper governmental action" in RCW 42.40.020(3)(b) also does not include actions covered by a local government civil service system, personnel system, or collective bargaining system or law. A local government employee who is a whistleblower as a result of this subsection is also a whistleblower under chapter 49.60 RCW.

(2) Any local government may submit its whistleblower program to the state auditor and request the auditor to approve the program. The state auditor shall approve any local government program that the auditor finds accomplishes the purposes of the provisions of the state whistleblower program. In considering whether or not to approve a local government whistleblower program, the state auditor shall take into consideration the degree to which local government whistleblower complaints will be investigated and the amount of protection offered to local government whistleblowers against retaliatory actions.

(3) Any person who is a whistleblower under an approved local government whistleblower program also is a whistleblower under RCW 42.40.020 for purposes of the application of chapter 49.60 RCW.

NEW SECTION. Sec. 9. (1) Sections 8 and 11 of this act shall become effective on July 1, 1992.

(2) Prior to July 1, 1992, the state auditor shall establish and consult with a nine-member committee of officials or their representatives from cities, counties, school districts, and special purpose districts to develop model whistleblower programs that meet the intent and requirements of this act and that conform to the structure and procedures of the different types and sizes of affected local governments. The state auditor shall also consult with the state human rights commission with respect to the development of the model programs.

(3) The committee established in subsection (2) of this section and the state auditor may make recommendations to the legislature by December 1, 1991, on amendments to this act that are necessary to develop workable local government programs.

NEW SECTION. Sec. 10. A new section is added to chapter 42.40 RCW to read as follows:

(1) No local government or local government official or supervisory employee may take any retaliatory action against an employee of the local government as a result of the employee's good faith report of improper governmental action by the local government or by any of its officials or employees. Any person who is retaliated against in violation of this section has a right of action for damages against the offending local government, official or employee. In any such action, the court also may require the defendants to cease and desist from such retaliatory action, and to take such affirmative action as the court believes appropriate, including but not limited to reinstatement or upgrading of the employment position. For purposes of this section, the following definitions apply: (a) "Good faith report" means a good faith report to a governmental official or employee who the reporting employee believes possesses authority to investigate the matter reported; (b) "Improper governmental action" has the meaning prescribed under RCW 42.40.020(3) except that the reference to "state law or rule" in subsection (3)(a)(ii) also includes local government laws or rules and that "improper governmental action" does not include any action taken under a local government civil service system, personnel system, or collective bargaining system or law; and (c) "Retaliatory action" has the meaning prescribed under RCW 42.40.050 for "reprisal or retaliatory action."

(2) This section expires on July 1, 1992.

NEW SECTION. Sec. 11. A new section is added to chapter 43.09 RCW to read as follows:

The expense of approving local government whistleblower programs and investigating improper local governmental activity as provided in chapter 42.40 RCW shall be borne by each entity submitting a program for approval or subject to such investigation. Procedures established by the division of municipal corporations concerning the municipal revolving fund shall be made applicable to these investigations and their expenses.

NEW SECTION. Sec. 12. The sum of twenty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the human rights commission for the purposes of this act.

On page 1, line 1 of the title, after "action;" strike the remainder of the title and insert "amending RCW 42.40.020, 42.40.040, 42.40.050, 49.60.210, 49.60.250, 43.09.050, and 43.88.160; adding new sections to chapter 42.40 RCW; adding a new section to chapter 43.09 RCW; creating a new section; prescribing penalties; and making an appropriation."

Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole;

Ferguson; Fuhrman; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; and Wineberry.

Excused: Representatives Pruitt and Sprenkle.

Passed to Committee on Rules for second reading.

April 8, 1991

2SSB 5143 Prime Sponsor, Committee on Ways & Means: Increasing the procurement of recycled products. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Environmental Affairs. (For committee amendments, see Journal, 82nd Day, April 5, 1991.) Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Ebersole; Ferguson; Hine; Holland; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Fuhrman; Lisk; May; and McLean.

Voting nay: Representatives Silver, Ranking Minority Member; Fuhrman; Lisk; and May.

Excused: Representatives Dorn; Pruitt; and Sprenkle.

Passed to Committee on Rules for second reading.

April 6, 1991

ESSB 5256 Prime Sponsor, Committee on Law & Justice: Providing franchise investment protection. Reported by Committee on Revenue

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor (For committee amendments, see Journal, 75th Day, March 29, 1991.) and with the following amendment by the Committee on Revenue:

On page 26, line 26, strike "five" and insert "~~(five)~~ six"

Signed by Representatives Wang, Chair; Fraser, Vice Chair; Holland, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Appelwick; Belcher; Brumsickle; Day; Leonard; Morris; Morton; Phillips; Rust; Silver; and Van Luven.

Excused: Representatives Appelwick and Van Luven.

Passed to Committee on Rules for second reading.

April 6, 1991

SSB 5301 Prime Sponsor, Committee on Governmental Operations: Authorizing certain cities and counties bordering the Pacific Ocean to levy a special excise tax to provide funding for public facilities. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Fraser, Vice Chair; Holland, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Appelwick; Belcher; Brumsickle; Day; Leonard; Morris; Morton; Phillips; Rust; Silver; and Van Luven.

Excused: Representative Van Luven.

Passed to Committee on Rules for second reading.

April 8, 1991

SSB 5359 Prime Sponsor, Committee on Ways & Means: Allowing the transfer of certain retirement credits from out-of-state teacher retirement plans. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson; Hine; Holland; Lisk; May; Mielke; Peery; Pruitt; Rust; Valle; Vance; Wang; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Fuhrman; McLean; and Nealey.

Voting nay: Representatives Silver, Ranking Minority Member; Fuhrman; McLean; Nealey; and H. Sommers.

Excused: Representatives Ferguson; Pruitt; and Sprengle.

Passed to Committee on Rules for second reading.

April 8, 1991

SSB 5418 Prime Sponsor, Committee on Law & Justice: Creating an interagency criminal justice work group. Report by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Appropriations and without amendments by Committee on Judiciary (For committee amendments, see Journal, 82nd Day, April 5, 1991.):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The task force on sentencing of adult criminal offenders is created.

(1) The task force shall have fourteen members.

(a) The governor shall appoint two members.

(b) The speaker of the house of representatives shall appoint six members, which shall include two members, one from each political party, from each of the following:

(i) The house judiciary committee;

(ii) The house human services committee; and

(iii) Either the house capital facilities and financing committee or the house appropriations committee, or one from each. If one member is appointed from each of the fiscal committees, one appointment must be from the majority party and the other from the minority party.

(c) The president of the senate shall appoint six members, which shall include two members, one from each political party, from each of the following standing committees:

(i) Senate law and justice;

(ii) Senate children and family services; and

(iii) Senate ways and means.

(2) The members of the task force shall select a chair or cochair from among the membership of the task force.

(3) Staff for the task force shall be provided by the senate, the house of representatives, and the office of financial management.

(4) The objectives of the task force are to:

(a) Determine whether the articulated purposes of the sentencing reform act of 1981 as defined in RCW 9.94A.010, remain valid or should be modified, and if so, what new sentencing purposes are appropriate;

(b) Study the incarceration patterns of adult offenders convicted of violent and nonviolent offenses to determine whether the purposes of the sentencing reform act of 1981 as defined in RCW 9.94A.010 are being achieved;

(c) Determine the extent to which alternatives to total confinement are being used for adult felons and to make recommendations to ensure that those alternatives are ordered when appropriate; and

(d) Determine whether an expansion of the court's sentencing options would help achieve the purposes of the sentencing reform act.

(5) The task force shall consult with the sentencing guidelines commission and other interested parties to achieve the objectives of the task force.

(6) The task force shall report to the appropriate standing committees of the legislature and to the governor not later than December 15, 1992.

(7) The task force shall cease to exist on January 1, 1993.

NEW SECTION. Sec. 2. The Washington Institute for Public Policy shall, within available funds, conduct a study or cause a study to be conducted of the problem of police harassment of, and brutality toward, residents of the state. The Institute shall gather data from local law enforcement departments from 1981 to the present to determine the number and types of complaints against law enforcement personnel, whether the department investigated the complaint, and the result of the investigation. The Institute shall also propose options for guidelines for the creation of citizen review panels in local jurisdictions to receive and investigate complaints of police harassment and brutality. The Institute shall also propose options for additional civil remedies for the victims of police harassment or brutality. The Institute shall report to the Legislature regarding its findings and options for legislative action by December 1, 1991.

NEW SECTION. Sec. 3. The criminal justice training commission shall, within available funds, develop and offer a training program for law enforcement personnel to reduce the incidence of police harassment of, and brutality toward, residents of this state.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, beginning on line 1 of the title, after "justice;" strike the remainder of the title and insert: "creating new sections; and declaring an emergency."

Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Rust; H. Sommers; Sprenkle; Valle; Vance; Wang; and Wineberry.

Excused: Representatives Dorn; Pruitt; and Sprenkle.

Passed to Committee on Rules for second reading.

April 8, 1991

SB 5477 Prime Sponsor, Senator Conner: Authorizing veterans' benefits for Women's Air Forces Service Pilots and merchant marines. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on State Government. (For committee amendments, see Journal, 82nd Day, April 8, 1991.) Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Braddock; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

Excused: Representatives Bowman; Holland; and Sprenkle.

Passed to Committee on Rules for second reading.

April 8, 1991

SSB 5504 Prime Sponsor, Committee on Ways & Means: Establishing student teaching centers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Braddock; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

Excused: Representatives Bowman and Sprenkle.

Passed to Committee on Rules for second reading.

April 8, 1991

SB 5510 Prime Sponsor, Senator Rasmussen: Allowing for restoration of withdrawn contributions in annual installments to the Washington

public employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Fuhrman; Holland; Lisk; May; Mielke; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

Voting nay: Representatives Hine; McLean; Nealey; and Peery.

Excused: Representatives Pruitt and Sprenkle.

Passed to Committee on Rules for second reading.

April 8, 1991

SSB 5536 Prime Sponsor, Committee on Energy & Utilities: Studying the state's telecommunication services for the hearing impaired. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments:
On page 4, beginning on line 1, strike all of section 3

On page 1, beginning on line 2 of the title, after "force;" strike the remainder of the title and insert "and creating new sections."

Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

Excused: Representatives Pruitt and Sprenkle.

Passed to Committee on Rules for second reading.

April 8, 1991

ESSB 5555 Prime Sponsor, Committee on Ways & Means: Providing assistance for timber harvesting areas. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Trade & Economic Development (For committee amendments, see Journal, 82nd Day, April 5, 1991.) as amended with the following amendments by Committee on Appropriations:

On page 16, after line 2 of the striking amendment, insert the following:

NEW SECTION. Sec. 13. A new section is added to chapter 50.22 RCW to read as follows:

(1) An additional benefit period is established for counties identified under subsection (2) of this section beginning on the first Sunday after the effective date of this

section and for the lumber and wood products industry beginning with the third week after the first Sunday after the effective date of this section. Benefits shall be paid as provided in subsection (3) of this section to exhaustees eligible under subsection (4) of this section.

(2) The additional benefit period applies to counties beginning with the third week after a week in which the commissioner determines that a county has: (a) A county annual unemployment rate that is twenty percent or more above the state annual unemployment rate for the prior calendar year; and (b) a lumber and wood products employment location quotient that is at least twice the state average during the prior twelve-month period. The additional benefit period for a county may end no sooner than fifty-two weeks after the additional benefit period begins.

(3) Additional benefits shall be paid as follows:

(a) No new claims for additional benefits shall be accepted for weeks beginning after July 3, 1993, but for claims established on or before July 3, 1993, weeks of unemployment occurring after July 3, 1993, shall be compensated as provided in this section.

(b) The total additional benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. Additional benefits shall not be payable for weeks more than one year beyond the end of the benefit year of the regular claim, and shall be payable for up to five weeks following the completion of the training required by this section.

(c) The weekly benefit amount shall be calculated as specified in RCW 50.22.040.

(d) Benefits paid under this section shall be paid under the same terms and conditions as regular benefits and shall not be charged to the experience rating account of individual employers. The additional benefit period shall be suspended with the start of an extended benefit period, or any totally federally funded benefit program, with eligibility criteria and benefits comparable to the program established by this section, and shall resume the first week following the end of the federal program.

(4) An additional benefit eligibility period is established for any exhaustee who:

(a) At the time of last separation from employment, resided in or was employed in a county identified under subsection (2) of this section, or, during his or her base year, earned wages in six hundred eighty hours of lumber and wood products employment; and

(b) Has received notice of a permanent termination of employment from the individual's employer or has been laid off and is unlikely to return to his or her previous employment because work opportunities at the individual's most recent workplace or in the individual's most recent occupation have been substantially reduced; and

(c)(i) Is notified by the department of the requirements of this section and develops an individual training program that is submitted to the commissioner for approval not later than sixty days after the individual is notified of the requirements of this section, and enters the approved training program not later than ninety days after the date of the individual's termination or layoff, or ninety days after the effective date of this act, whichever is later, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(ii) Is enrolled in training approved under this section on a full-time basis and maintains satisfactory progress in the training; and

(d) Does not receive a training allowance or stipend under the provisions of any federal or state law.

(e) For the purposes of this section:

(i) "Training program" means:

(A) A remedial education program determined to be necessary after counseling at the educational institution in which the individual enrolls pursuant to his or her approved training program; or

(B) A vocational training program at an educational institution that:

(I) Is training for a labor demand occupation;

(II) Is likely to facilitate a substantial enhancement of the individual's marketable skills and earning power; and

(III) Does not include on-the-job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives additional benefits under section 1 of this act.

(ii) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410(3).

(iii) "Training allowance or stipend" means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as tuition or books and supplies.

(5) The commissioner shall adopt rules as necessary to implement this section.

Renumber the sections consecutively and correct internal references accordingly.

On page 16, after line 10 of the striking amendment, insert the following:

NEW SECTION. Sec. 16. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

Renumber the sections consecutively and correct internal references accordingly.

On page 16, line 14 of the striking amendment, after "immediately" insert ", except for section 13 which shall take effect July 1, 1991"

On page 16, line 22 of the title amendment, after "RCW;" insert "adding a new section to chapter 50.22 RCW;"

Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson; Hine; May; Mielke; Peery; Rust; H. Sommers; Valle; Wang; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman; Holland; Lisk; McLean; Nealey; and Vance.

Excused: Representatives Pruitt and Sprenkle.

Passed to Committee on Rules for second reading.

April 6, 1991

SB 5560 Prime Sponsor, McDonald: Transferring power and duty to enforce cigarette and tobacco laws to the liquor control board. Reported by Committee on Revenue

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor. (For committee amendments, see Journal, 82nd Day, April 5, 1991.) Signed by Representatives Wang, Chair; Fraser, Vice Chair; Holland, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Appelwick; Belcher; Brumsickle; Day; Leonard; Morris; Morton; Phillips; Rust; Silver and Van Luven.

Excused: Representative Van Luven.

Passed to Committee on Rules for second reading.

April 8, 1991

2SSB 5568 Prime Sponsor, Committee on Ways & Means: Addressing hunger and nutritional problems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Hunger and malnutrition threaten the future of a whole generation of children in Washington. Children who are hungry or malnourished are unable to function optimally in the classroom and are thus at risk of lower achievement in school. The resultant diminished future capacity of and opportunities for these children will affect this state's economic and social future. Thus, the legislature finds that the state has an interest in helping families provide nutritious meals to children.

The legislature also finds that the state has an interest in helping hungry and malnourished adults obtain necessary nourishment. Adequate nourishment is necessary for physical health, and physical health is the foundation of self-sufficiency. Adequate nourishment is especially critical in the case of pregnant and lactating women, both to ensure that all mothers and babies are as healthy as possible and to minimize the costs associated with the care of low-birthweight babies.

"PART I
WIC"

NEW SECTION. Sec. 101. The legislature finds that the special supplemental food program for women, infants, and children has proven effective in preventing infant mortality, reducing the number of undernourished children with retarded growth, reducing the incidence of delayed cognitive development and decreasing the number of low-birthweight babies. However, not all of the eligible mothers and children in this state are currently served by the program. Therefore, the legislature intends to increase the number of eligible women and children served by the program.

"PART II

EMERGENCY FOOD ASSISTANCE PROGRAM"

NEW SECTION. Sec. 201. The legislature finds that the emergency food assistance program has been successful in defraying the costs of operating food banks and food distribution programs in the state. However, current resources are inadequate to meet the needs of the hungry and malnourished people in this state. Additional funding for the emergency food assistance program is needed to provide for the purchase, transportation, and storage of food and to support the operation of food banks, food distribution programs, and tribal voucher programs.

Additionally, many of the people who receive food from food banks have special nutritional needs that are not currently being met. These include infants and children with disabilities, pregnant and lactating women, adults with chronic diseases, people with

acquired immune deficiency syndrome, people with lactose intolerance, people who have difficulty chewing, alcoholics, intravenous drug users, and people with cultural food preferences. The legislature finds that additional funds to provide special nutritional foods are necessary and that training regarding these special nutritional needs is needed for food bank staff and volunteers.

"PART III
FOOD STAMPS"

NEW SECTION. Sec. 301. The legislature finds that delays in receiving food stamps often drive hungry families to food banks. Expediting the issuance of food stamps to eligible applicants will ease some of the pressure on the food bank system. The legislature also finds that some of those who currently apply for the expedited issuance of food stamps are not receiving them within the five-day waiting period. Therefore, the department is directed to issue food stamps to eligible applicants within twenty-four hours of application.

NEW SECTION. Sec. 302. The department shall issue expedited food stamps to eligible recipients within twenty-four hours of application. The department shall establish an eligibility process for the expedited issuance of food stamps that conforms to federal requirements and results in the least additional workload increase to department staff.

"PART IV
NUTRITIONAL PROGRAMS"

NEW SECTION. Sec. 401. The legislature finds that the school breakfast and lunch programs, the summer feeding program, and the child and adult day care feeding programs authorized by the United States department of agriculture are effective in addressing unmet nutritional needs. However, some communities in the state do not participate in these programs. The result is hunger, malnutrition, and inadequate nutrition education for otherwise eligible persons living in nonparticipating communities.

NEW SECTION. Sec. 402. The superintendent of public instruction shall aggressively solicit eligible schools, child and adult day care centers, and other organizations to participate in the nutrition programs authorized by the United States department of agriculture.

"PART V
MISCELLANEOUS"

NEW SECTION. Sec. 501. Following the 1991 legislative session, the senate children and family services committee and the house of representatives human services committee shall conduct a joint interim study on:

- (1) The need for nutrition programs for at-risk youth;
- (2) The nutritional needs of persons served in out-of-home care settings;
- (3) The nutritional needs of senior citizens; and
- (4) The nutritional needs of persons under the age of sixty who receive services through the long-term care system.

NEW SECTION. Sec. 502. Parts and headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 503. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 504. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 505. If specific funding for the purposes of section 101 of this act, referencing section 101 of this act by bill number and section, is not provided by June 30, 1991, in the omnibus appropriations act, section 101 of this act shall be null and void.

NEW SECTION. Sec. 506. If specific funding for the purposes of section 201 of this act, referencing section 201 of this act by bill number and section, is not provided by June 30, 1991, in the omnibus appropriations act, section 201 of this act shall be null and void.

NEW SECTION. Sec. 507. If specific funding for the purposes of sections 301 and 302 of this act, referencing sections 301 and 302 of this act by bill number and sections, is not provided by June 30, 1991, in the omnibus appropriations act, sections 301 and 302 of this act shall be null and void.

NEW SECTION. Sec. 508. If specific funding for the purposes of section 402 of this act, referencing section 402 of this act by bill number and section, is not provided by June 30, 1991, in the omnibus appropriations act, section 402 of this act shall be null and void.

On page 1, line 1 of the title, after "nutrition;" strike the remainder of the title and insert "creating new sections; providing an effective date; and declaring an emergency."

Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

Excused: Representatives Pruitt and Sprenkle.

Passed to Committee on Rules for second reading.

April 6, 1991

2SSB 5591 Prime Sponsor, Committee on Ways & Means: Adopting comprehensive recycling programs. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendments by Committee on Revenue and without amendments by Committee on Environmental Affairs (For committee amendments, see Journal, 82nd Day, April 5, 1991.):

Strike everything after the enacting clause and insert the following:

"PART I
PACKAGING

Sec. 101. RCW 70.93.020 and 1979 c 94 s 2 are each amended to read as follows:

The purpose of this chapter is to accomplish litter control and stimulate private recycling programs throughout this state by delegating to the department of ecology the authority to:

- (1) Conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible;
- (2) Recover and recycle waste materials related to litter and littering;
- (3) Foster private recycling and markets for recyclable materials; and
- (4) Increase public awareness of the need for recycling and litter control. It is further the intent and purpose of this chapter to create jobs for employment of youth in litter cleanup and related activities and to stimulate and encourage small, private recycling centers. This program shall include the compatible goal of recovery of recyclable materials to conserve energy and natural resources wherever practicable. Every other

department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this chapter. The intent of this chapter is to add to and to coordinate existing recycling and litter control and removal efforts and not terminate or supplant such efforts.

Sec. 102. RCW 70.93.030 and 1979 c 94 s 3 are each amended to read as follows:

As used in this chapter unless the context indicates otherwise:

- (1) "Department" means the department of ecology;
- (2) "Director" means the director of the department of ecology;
- (3) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the department of ecology;
- (4) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;
- (5) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity;
- (6) "Litter receptacle" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter;

(7) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever;

(8) "Recycling" means ~~((the process of separating, cleansing, treating, and reconstituting used or discarded litter-related materials for the purpose of recovering and reusing the resources contained therein))~~ transforming or remanufacturing waste materials into a finished product for use other than landfill disposal or incineration;

(9) "Recycling center" means a central collection point for recyclable materials;

(10) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks;

(11) "Watercraft" means any boat, ship, vessel, barge, or other floating craft;

(12) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

NEW SECTION. Sec. 103. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Container," unless otherwise specified, refers to "rigid plastic container" or "plastic bottle" as those terms are defined in this section.

(2) "Distributors" means those persons engaged in the distribution of packaged goods for sale in the state of Washington, including manufacturers, wholesalers, and retailers.

(3) "Label" means a molded, imprinted, or raised symbol on or near the bottom of a plastic container or bottle.

(4) "Person" means an individual, sole proprietor, partnership, association, or other legal entity.

(5) "Plastic" means a material made of polymeric organic compounds and additives that can be shaped by flow.

(6) "Plastic bottle" means a plastic container intended for single use that has a neck that is smaller than the body of the container, accepts a screw-type, snap cap, or other closure and has a capacity of sixteen fluid ounces or more, but less than five gallons.

(7) "Rigid plastic container" means a formed or molded container, other than a bottle, intended for single use, composed predominantly of plastic resin, and having a relatively inflexible finite shape or form with a capacity of eight ounces or more but less than five gallons.

NEW SECTION. Sec. 104. (1) The provisions of this section and any rules adopted under this section shall be interpreted to conform with nation-wide plastics industry standards.

(2) Except as provided in section 105(2) of this act, after January 1, 1992, no person may distribute, sell, or offer for sale in this state a plastic bottle or rigid plastic container unless the container is labeled with a code identifying the appropriate resin type used to produce the structure of the container. The code shall consist of a number placed within three triangulated arrows and letters placed below the triangle of arrows. The triangulated arrows shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer (arrowhead) of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number. The numbers and letters used shall be as follows:

- (a) 1. = PETE (polyethylene terephthalate)
- (b) 2. = HDPE (high density polyethylene)
- (c) 3. = V (vinyl)
- (d) 4. = LDPE (low density polyethylene)
- (e) 5. = PP (polypropylene)
- (f) 6. = PS (polystyrene)
- (g) 7. = OTHER

NEW SECTION. Sec. 105. (1) A person who, after written notice from the department, violates section 104 of this act is subject to a civil penalty of fifty dollars for each violation up to a maximum of five hundred dollars and may be enjoined from continuing violations. Each distribution constitutes a separate offense.

(2) Retailers and distributors shall have two years from the effective date of this section to clear current inventory, delivered or received and held in their possession as of the effective date of this section.

NEW SECTION. Sec. 106. The legislature finds and declares that:

(1) The management of solid waste can pose a wide range of hazards to public health and safety and to the environment;

(2) Packaging comprises a significant percentage of the overall solid waste stream;

(3) The presence of heavy metals in packaging is a part of the total concern in light of their likely presence in emissions or ash when packaging is incinerated, or in leachate when packaging is landfilled;

(4) Lead, mercury, cadmium, and hexavalent chromium, on the basis of available scientific and medical evidence, are of particular concern;

(5) The intent of this chapter is to achieve a reduction in toxicity without impeding or discouraging the expanded use of postconsumer materials in the production of packaging and its components.

NEW SECTION. Sec. 107. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Package" means a container providing a means of marketing, protecting, or handling a product and shall include a unit package, an intermediate package, and a shipping container. "Package" also means and includes unsealed receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

(2) "Manufacturer" means a person, firm, or corporation that applies a package to a product for distribution or sale.

(3) "Packaging component" means an individual assembled part of a package such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

NEW SECTION. Sec. 108. The sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in any product, package, or packaging component shall not exceed the following:

- (1) 600 parts per million by weight effective July 1, 1993;
- (2) 250 parts per million by weight effective July 1, 1994; and
- (3) 100 parts per million by weight effective July 1, 1995 after the effective date of this section.

This section shall apply only to lead, cadmium, mercury, and hexavalent chromium that has been intentionally introduced as an element during manufacturing or distribution.

NEW SECTION. Sec. 109. All packages and packaging components shall be subject to this chapter except the following:

- (1) Those packages or package components with a code indicating date of manufacture that were manufactured prior to the effective date of this section;
- (2) Those packages or packaging components that have been purchased by, delivered to, or are possessed by a retailer on or before twenty-four months following the effective date of this section to permit opportunity to clear existing inventory of the proscribed packaging material;
- (3) Those packages or packaging components to which lead, cadmium, mercury, or hexavalent chromium have been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of federal law or for which there is no feasible alternative; or
- (4) Those packages and packaging components that would not exceed the maximum contaminant levels set forth in section 108(1) of this act but for the addition of postconsumer materials; and provided that the exemption for this subsection shall expire six years after the effective date of this section.

NEW SECTION. Sec. 110. By July 1, 1993, a certificate of compliance stating that a package or packaging component is in compliance with the requirements of this chapter shall be developed by its manufacturer. If compliance is achieved under the exemption or exemptions provided in section 109 (3) or (4) of this act, the certificate shall state the specific basis upon which the exemption is claimed. The certificate of compliance shall be signed by an authorized official of the manufacturing company. The certificate of compliance shall be kept on file by the manufacturer for as long as the package or packaging component is in use, and for three years from the date of the last sale or distribution by the manufacturer. Certificates of compliance, or copies thereof, shall be furnished to the department of ecology upon request within sixty days. If manufacturers are required under any other state statute to provide a certificate of compliance, one certificate may be developed containing all required information.

If the manufacturer or supplier of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer shall develop an amended or new certificate of compliance for the reformulated or new package or packaging component.

NEW SECTION. Sec. 111. Requests from a member of the public for any certificate of compliance shall be:

- (1) Made in writing to the department of ecology;
- (2) Made specific as to package or packaging component information requested; and
- (3) Responded to by the department of ecology within ninety days.

NEW SECTION. Sec. 112. The department of ecology may prohibit the sale of any package for which a manufacturer has failed to respond to a request by the department for a certificate of compliance within the allotted period of time pursuant to section 110 of this act.

NEW SECTION. Sec. 113. By July 1, 1993, the solid waste advisory committee created under chapter 70.95 RCW shall report to the appropriate standing committees of the legislature on the effectiveness of reducing toxic metals from packaging. The report shall contain recommendations to add other toxic substances contained in packaging to the list set forth in this chapter, including but not limited to mutagens, carcinogens, and teratogens, in order to further reduce the toxicity of packaging waste, and shall contain a recommendation regarding imposition of penalty for violation of section 108 of this act, and a recommendation whether or not to continue the recycling exemption as it is provided for in section 109 of this act.

Sec. 114. RCW 70.95C.120 and 1989 c 431 s 54 are each amended to read as follows:

The office of waste reduction shall develop, in consultation with the superintendent of public instruction, an awards program to achieve waste reduction and recycling in the public schools, grades kindergarten through high school. The office shall develop guidelines for program development and implementation. Each public school shall implement a waste reduction and recycling program conforming to guidelines developed by the office.

For the purpose of granting awards, the office may group schools into not more than three classes, based upon student population, distance to markets for recyclable materials, and other criteria, as deemed appropriate by the office. Except as otherwise provided, five or more awards shall be granted to each of the three classes. Each award shall be a sum of not less than two thousand dollars nor more than five thousand dollars. Awards shall be granted each year to the schools that achieve the greatest levels of waste reduction and recycling. ((Each) A single award ((shall be of a sum)) of not less than ((ten)) five thousand dollars shall be presented to the school having the best recycling program as measured by the total amount of materials recycled, including materials generated outside of the school. A single award of not less than five thousand dollars shall be presented to the school having the best waste reduction program as determined by the office. ((The office shall also develop recommendations for an awards program for waste reduction in the public schools. The office shall submit these recommendations to the appropriate standing committees in the house of representatives and senate on or before November 30, 1989.))

The superintendent of public instruction shall distribute guidelines and other materials developed by the office to implement programs to reduce and recycle waste generated in administrative offices, classrooms, laboratories, cafeterias, and maintenance operations.

NEW SECTION. Sec. 115. There is established the task force on recycling funding. The task force shall consist of fourteen members as follows: (1) Two members of the house of representatives appointed by the speaker of the house of representatives with one member from each of the two caucuses of the house of representatives; (2) two members of the senate appointed by the president of the senate with one member from each of the two caucuses of the senate; (3) seven members appointed by the director of the department of trade and economic development; with one each representing manufacturers, wholesalers, retailers, cities, counties, recyclers, and an environmental organization; and (4) three members representing the departments of ecology, trade and economic development, and revenue appointed by their respective directors. The agency representatives shall be non-voting except for the election of the chair, which shall be made a simple majority vote of all members.

The task force shall study long-term funding mechanisms and develop specific recommendations for the clean washington center, recycling systems, comprehensive waste reduction, and diversion from landfill and mass burn incineration. The task force shall report its findings and recommended legislation to the appropriate standing committees of the legislature no later than December 1, 1991.

This section shall expire January 1, 1992.

NEW SECTION. Sec. 116. Sections 103 through 105 of this act and sections 106 through 113 shall each constitute a new chapter in Title 70 RCW.

PART II

CLEAN WASHINGTON CENTER

NEW SECTION. Sec. 201. (1) The legislature finds that:

(a) Recycling conserves energy and landfill space, provides jobs and valuable feedstock materials to industry, and promotes health and environmental protection;

(b) Seventy-eight percent of the citizens of the state actively participate in recycling programs and Washington currently has the highest recycling rate in the nation;

(c) The current supply of many recycled commodities far exceeds the demand for such commodities;

(d) Many local governments and private entities cumulatively affect, and are affected by, the market for recycled commodities but have limited jurisdiction and cannot adequately address the problems of market development that are complex, wide-ranging, and regional in nature; and

(e) The private sector has the greatest capacity for creating and expanding markets for recycled commodities, and the development of private markets for recycled commodities is in the public interest.

(2) It is therefore the policy of the state to create a single entity to be known as the clean washington center to develop new, and expand existing, markets for recycled commodities.

NEW SECTION. Sec. 202. There is created the clean washington within the department of trade and economic development. As used in this chapter, "center" means the clean washington center.

NEW SECTION. Sec. 203. The purpose of the center is to provide or facilitate business assistance, basic and applied research and development, marketing, public education, and policy analysis in furthering the development of markets for recycled products. As used in this chapter, market development consists of public and private activities that are used to overcome impediments preventing full use of secondary materials diverted from the waste stream, and that encourage and expand use of those materials and subsequent products. In fulfilling this mission the center shall primarily direct its services to recycling businesses, which as used in this chapter mean those businesses engaged in transforming or remanufacturing waste materials into usable or marketable materials or products for use other than landfill disposal or incineration.

NEW SECTION. Sec. 204. (1) The center's activities shall be conducted with the assistance of a policy board. Except as otherwise provided, policy board members shall be appointed by the directors of the department of trade and economic development and department of ecology as follows:

(a) Two representatives of the legislature, one appointed by the speaker of the house of representatives and one appointed by the president of the senate;

(b) One member to represent cities;

(c) One member to represent counties;

(d) Five private sector members to represent the end users and marketers of post consumer recovered materials, including one member to represent recycling businesses;

(e) The directors of the departments of trade and economic development and ecology shall represent the executive branch as non-voting members; and

(f) Non-voting, temporary appointments to the board can be made by the chairman where specific expertise is needed.

(2) The initial appointments of the five private sector members will be two members with three-year terms and three members with two year terms. Thereafter, members shall serve two-year renewable terms. Vacancies shall be filled by the chair with majority consent from the members.

(3) Members of the board, exclusive of those representing the legislative or executive branches, shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060

(4) The board shall meet at least quarterly.

(5) The chair shall be elected from among the members by a simple majority vote.

(6) The board may adopt and exercise bylaws for the regulation of its business for the purposes of this chapter.

NEW SECTION. Sec. 205. The center shall:

(1) Provide targeted business assistance to recycling businesses, including:

(a) Development of business plans;

(b) Market research and planning information;

(c) Access to financing programs;

(d) Referral and information on market conditions; and

(e) Information on new technology and product development;

(2) Negotiate voluntary agreements with manufacturers to increase the use of recycled materials in product development;

(3) Support and provide research and development to stimulate and commercialize new and existing technologies and products using recycled materials;

(4) Undertake an integrated, comprehensive education effort directed to recycling businesses to promote processing, manufacturing, and purchase of recycled products, including:

(a) Provide information to recycling businesses on the availability and benefits of using recycled materials;

(b) Provide information and referral services on recycled material markets;

(c) Provide information on new research and technologies that may be used by local businesses and governments; and

(d) Participate in projects to demonstrate new market uses or applications for recycled products;

(5) Assist the departments of ecology and general administration in the development of consistent definitions and standards on recycled content, product performance, and availability;

(6) Undertake studies on the unmet capital needs of reprocessing and manufacturing firms using recycled materials;

(7) Undertake and participating in marketing promotions for the purposes of achieving expanded market penetration for recycled content products;

(8) Coordinate with the department of ecology to ensure that the education programs of both are mutually reinforcing, with the center acting as the lead entity with respect to recycling businesses, and the department as the lead entity with respect to the general public and retailers;

(9) Develop an annual work plan. The plan shall describe actions and recommendations for developing markets for commodities comprising a significant percentage of the waste stream and having potential for use as an industrial or commercial feedstock. The initial plan shall address, but not be limited to, mixed waste paper, waste tires, yard and food waste, and plastics; and

(10) Represent the state in regional and national market development issues.

NEW SECTION. Sec. 206. In order to carry out its responsibilities under this chapter, the center may:

(1) Receive such gifts, grants, funds, fees, and endowments, in trust or otherwise, for the use and benefit of the purposes of the center. The center may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments;

(2) Initiate, conduct, or contract for studies and searches relating to market development for recyclable materials, including but not limited to applied research, technology transfer, and pilot demonstration projects;

(3) Obtain and disseminate information relating to market development for recyclable materials from other state and local agencies;

(4) Enter into, amend, and terminate contracts with individuals, corporations, trade associations, and research institutions for the purposes of this chapter;

(5) Provide grants to local governments or other public institutions to further the development of recycling markets;

(6) Provide business and marketing assistance to public and private sector entities within the state; and

(7) Evaluate, analyze, and make recommendations on state policies that may affect markets for recyclable materials.

NEW SECTION. Sec. 207. The center shall solicit financial contributions and support from manufacturing industries and other private sector sources, foundations, and grants from governmental sources to assist in conducting its activities. It may also use separately appropriated funds of the department of trade and economic development for the center's activities.

NEW SECTION. Sec. 208. The center may appoint advisory committees to assist in the development or implementation of the work plan.

NEW SECTION. Sec. 209. The center shall terminate on June 30, 1997.

Sec. 210. RCW 43.31.545 and 1989 c 431 s 64 are each amended to read as follows:

(1) The department is the lead state agency to assist in establishing and improving markets for recyclable materials generated in the state. ~~((This priority on creating and expanding a recyclables market should be fully integrated into the current targeted sector marketing programs of the department. In carrying out these marketing responsibilities, the department shall work closely with the office of waste reduction in the department of ecology.~~

~~(2) The department of trade and economic development, with the assistance of the department of ecology and the committee for recycling markets created by RCW 43.31.552, shall develop programs to accomplish the following:~~

~~(a) Develop new markets inside and outside this state for recycled materials;~~

~~(b) Attract new businesses to this state whose purpose is to use recycled materials;~~

~~(c) Educate businesses and consumers about the high quality of Washington recycled materials;~~

~~(d) Promote business and consumer use of products made from recycled materials;~~

~~(e) Provide technical market assistance to businesses and local governments;~~

~~(f) Cooperate with and secure the cooperation of any department, agency, commission, or instrumentality in state or local government affected by or concerned with market development; and~~

~~(g) Create and maintain a list of recyclers, collectors, and other persons or entities interested in the development of markets for recycling and solicit the opinions of those persons with respect to market development.)~~

NEW SECTION. Sec. 211. Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 212. A new section is added to chapter 70.93 RCW to read as follows:

There is created an account within the state treasury to be known as the clean Washington account. Moneys deposited in the clean Washington account shall be subject to appropriation and shall be used for the administration and implementation of the clean washington center established under section 204 of this act.

NEW SECTION. Sec. 213. The following acts or parts of acts are each repealed:

(1) RCW 43.31.552 and 1989 c 431 s 100;

(2) RCW 43.31.554 and 1989 c 431 s 101; and

(3) RCW 43.31.556 and 1990 c 127 s 1 & 1989 c 431 s 102.

NEW SECTION. Sec. 214. Sections 201 through 208 of this act shall constitute a new chapter in Title 70 RCW.

PART III
USED OIL RECYCLING

NEW SECTION. Sec. 301. INTENT. (1) The legislature finds that:

(a) Millions of gallons of used oil are generated each year in this state, and used oil is a valuable petroleum resource that can be recycled;

(b) The improper collection, transportation, recycling, use, or disposal of used oil contributes to the pollution of air, water, and land, and endangers public health and welfare;

(c) The private sector is a vital resource in the collection and recycling of used oil and should be involved in its collection and recycling whenever practicable.

(2) In light of the harmful consequences of improper disposal and use of used oil, and its value as a resource, the legislature declares that the collection, recycling, and reuse of used oil is in the public interest.

(3) The department, when appropriate, should promote the rerefining of used oil in its grants, public education, regulatory, and other programs.

NEW SECTION. Sec. 302. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Rerefining used oil" means the reclaiming of base lube stock from used oil for use again in the production of lube stock. Rerefining used oil does not mean combustion or landfilling.

(2) "Used oil" means: (a) Lubricating fluids that have been removed from an engine crankcase, transmission, gearbox, hydraulic device, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine; (b) any oil that has been refined from crude oil, used, and as a result of use, has been contaminated with physical or chemical impurities; and (c) any oil that has been refined from crude oil and, as a consequence of extended storage, spillage, or contamination, is no longer useful to the original purchaser.

(3) "Public used oil collection site" means a site where a used oil collection tank has been placed for the purpose of collecting household generated used oil. "Public used oil collection site" also means a vehicle designed or operated to collect used oil from the public.

(4) "Lubricating oil" means any oil designed for use in, or maintenance of, a vehicle, including, but not limited to, motor oil, gear oil, and hydraulic oil. "Lubricating oil" does not mean petroleum hydrocarbons with a flash point below one hundred degrees Centigrade.

(5) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, watercourse, or trail, and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, watercourse, or trail, except devices moved by human or animal power.

(6) "Department" means the department of ecology.

(7) "Local government" means a city or county developing a local hazardous waste plan under RCW 70.105.220.

NEW SECTION. Sec. 303. PUBLIC USED OIL COLLECTION. (1) Each local government and its local hazardous waste plan under RCW 70.105.220 is required to include a used oil recycling element. This element shall include:

(a) A plan to reach the local goals for household used oil recycling established by the local government and the department under section 304 of this act. The plan shall, to the maximum extent possible, incorporate voluntary agreements with the private sector and state agencies to provide sites for the collection of used oil. Where provided, the plan shall also incorporate residential collection of used oil;

(b) A plan for enforcing the sign and container ordinances required by section 305 of this act;

(c) A plan for public education on used oil recycling; and

(d) An estimate of funding needed to implement the requirements of this chapter. This estimate shall include a budget reserve for disposal of contaminated oil detected at any public used oil collection site administered by the local government.

(2) By July 1, 1993, each local government or combination of contiguous local governments shall submit its used oil recycling element to the department. The department shall approve or disapprove the used oil recycling element by January 1, 1994, or within ninety days of submission, whichever is later. The department shall approve or disapprove the used oil recycling element if it determines that the element is consistent with this chapter and the guidelines developed by the department under section 304 of this act.

(3) Each local government, or combination of contiguous local governments, shall submit an annual statement to the department describing the number of used oil collection sites and the quantity of household used oil recycled for the jurisdiction during the previous calendar year. The first statement shall be due April 1, 1994. Subsequent statements shall be due April 1st of each year.

NEW SECTION. Sec. 304. RECYCLING GOALS. (1) By July 1, 1992, the department shall, in consultation with local governments, prepare guidelines for the used oil recycling elements required by section 303 of this act. The guidelines shall:

(a) Require development of local collection and rerefining goals for household used oil for each entity preparing a used oil recycling element under section 303 of this act;

(b) Require local government to recommend the number of used oil collection sites needed to meet the local goals. The department shall establish criteria regarding minimum levels of used oil collection sites;

(c) Require local government to identify locations suitable as public used oil collection sites as described under section 303(1)(a) of this act.

(2) The department may waive all or part of the specific requirements of section 303 of this act if a local government demonstrates to the satisfaction of the department that the objectives of this chapter have been met.

(3) The department may prepare and implement a used oil recycling plan for any local government failing to complete the used oil recycling element of the plan.

(4) The department shall develop state-wide collection and rerefining goals for household used oil for each calendar year beginning with calendar year 1994. Goals shall be based on the estimated state-wide collection and rerefining rate for calendar year 1993, and shall increase each year until calendar year 1996, when the rate shall be eighty percent.

(5) By July 1, 1993, the department shall prepare guidelines establishing state-wide equipment and operating standards for public used oil collection sites. Standards shall:

(a) Allow the use of used oil collection igloos and other types of portable used oil collection tanks;

(b) Prohibit the disposal of nonhousehold-generated used oil;

(c) Limit the amount of used oil deposited to five gallons per household per day;

(d) Ensure adequate protection against leaks and spills; and

(e) Include other requirements deemed appropriate by the department.

NEW SECTION. Sec. 305. SIGNS AND CONTAINERS. (1) A person annually selling one thousand or more gallons of lubricating oil to ultimate consumers for use or installation off the premises, or five hundred or more vehicle oil filters to ultimate consumers for use or installation off the premises within a city or county having an approved used oil recycling element, shall:

(a) Post and maintain at or near the point of sale, durable and legible signs informing the public of the importance of used oil recycling and how and where used oil may be properly recycled; and

(b) Provide for sale at or near the display location of the lubricating oil or vehicle oil filters, household used oil recycling containers. The department shall design and print the signs required by this section, and shall make them available to local governments and retail outlets.

(2) A person, who, after notice, violates this section is guilty of a misdemeanor and on conviction is subject to a fine not to exceed one thousand dollars.

(3) The department is responsible for notifying retailers subject to this section.

(4) A city or county may adopt household used oil recycling container standards in order to ensure compatibility with local recycling programs.

(5) Each local government preparing a used oil recycling element of a local hazardous waste plan pursuant to section 303 of this act shall adopt ordinances within its jurisdiction to enforce subsections (1) and (4) of this section.

NEW SECTION. Sec. 306. STATE-WIDE EDUCATION. The department shall conduct a public education program to inform the public of the needs for and benefits of collecting and recycling used oil in order to conserve resources and protect the environment. As part of this program, the department shall:

(1) Establish and maintain a state-wide list of public used oil collection sites, and a list of all persons coordinating local government used oil programs;

(2) Establish a state-wide media campaign describing used oil recycling;

(3) Assist local governments in providing public education and awareness programs concerning used oil by providing technical assistance and education materials; and

(4) Encourage the establishment of voluntary used oil collection and recycling programs, including public-private partnerships, and provide technical assistance to persons organizing such programs.

NEW SECTION. Sec. 307. DISPOSAL OF USED OIL. (1) Effective January 1, 1992, the use of used oil for dust suppression or weed abatement is prohibited.

(2) Effective July 1, 1992, no person may sell or distribute absorbent based kits, intended for home use, as a means for collecting, recycling, or disposing of used oil.

(3) Effective January 1, 1994, no person may knowingly dispose of used oil except by delivery to a person collecting used oil for recycling, treatment, or disposal, subject to the provisions of this chapter and chapter 70.105 RCW.

(4) Effective January 1, 1994, no owner or operator of a solid waste landfill may knowingly accept used oil for disposal in the landfill.

(5) A person who violates this section is guilty of a misdemeanor.

NEW SECTION. Sec. 308. USED OIL TRANSPORTER AND PROCESSOR REQUIREMENTS. (1) By January 1, 1993, the department shall adopt rules requiring any transporter of used oil to comply with minimum notification, invoicing, recordkeeping, and reporting requirements. For the purpose of this section, a transporter means a person engaged in the off-site transportation of used oil in quantities greater than twenty-five gallons per day.

(2) By January 1, 1993, the department shall adopt minimum standards for used oil that is blended into fuels. Standards shall, at a minimum, establish testing and recordkeeping requirements. Unless otherwise exempted, a processor is any person involved in the marketing, blending, mixing, or processing of used oil to produce fuel to be burned for energy recovery.

(3) Any person who knowingly transports used oil without meeting the requirements of this section shall be subject to civil penalties under chapter 70.105 RCW.

NEW SECTION. Sec. 309. CAPTIONS NOT LAW. Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 310. SHORT TITLE. This chapter shall be known and may be cited as the used oil recycling act.

NEW SECTION. Sec. 311. A new section is added to chapter 70.94 RCW to read as follows:

MARKET DEVELOPMENT--BURNING USED OIL FUEL IN LAND-BASED FACILITIES. (1) Except as provided in subsection (2) of this section, a person may not burn used oil as fuel in a land-based facility or in state waters unless the used oil meets the following standards:

- (a) Cadmium: 2 ppm maximum
- (b) Chromium: 10 ppm maximum
- (c) Lead: 100 ppm maximum
- (d) Arsenic: 5 ppm maximum
- (e) Total halogens: 1000 ppm maximum
- (f) Polychlorinated biphenyls: 2 ppm maximum
- (g) Ash: .1 percent maximum
- (h) Sulfur: 1.0 percent maximum
- (i) Flash point: 100 degrees Fahrenheit minimum.

(2) This section shall not apply to: (a) Used oil burned in space heaters if the space heater has a maximum heat output of not greater than 0.5 million btu's per hour or used oil burned in facilities permitted by the department or a local air pollution control authority; or (b) ocean-going vessels.

(3) This section shall not apply to persons in the business of collecting used oil from residences when under authorization by a city, county, or the utilities and transportation commission.

NEW SECTION. Sec. 312. A new section is added to chapter 70.105 RCW to read as follows:

Local governments and combinations of local governments shall amend their local hazardous waste plans required under RCW 70.105.220 to comply with section 303 of this act.

NEW SECTION. Sec. 313. The following acts or parts of acts are each repealed:

- (1) RCW 19.114.010 and 1983 c 137 s 1;
- (2) RCW 19.114.020 and 1983 c 137 s 2;
- (3) RCW 19.114.030 and 1983 c 137 s 3; and
- (4) RCW 19.114.900 and 1983 c 137 s 5.

NEW SECTION. Sec. 314. RCW 19.114.040 is recodified as a section in chapter 70.-- RCW (sections 301 through 310 of this act).

NEW SECTION. Sec. 315. Sections 301 through 310 of this act shall constitute a new chapter in Title 70 RCW.

PART IV MISCELLANEOUS

Sec. 401. RCW 70.95.040 and 1987 c 115 s 1 are each amended to read as follows:

(1) There is created a solid waste advisory committee to provide consultation to the department of ecology concerning matters covered by this chapter. The committee shall advise on the development of programs and regulations for solid and dangerous waste handling, resource recovery, and recycling, and shall supply recommendations concerning methods by which existing solid and dangerous waste handling, resource recovery, and recycling practices and the laws authorizing them may be supplemented and improved.

(2) The committee shall consist of at least eleven members, including the assistant director for ~~((the division of solid))~~ waste management programs within the department. The director shall appoint ~~((ten))~~ members with due regard to the interests of the public, local government, tribes, agriculture, industry, public health, recycling industries, and the refuse removal and resource recovery industries. ~~((The director shall include among his ten appointees representatives of activities from which dangerous wastes arise and the~~

~~Washington state patrol's hazardous materials technical advisory committee.))~~ The term of appointment shall be determined by the director. The committee shall elect its own ((~~chairman~~)) chair and meet at least four times a year, in accordance with such rules of procedure as it shall establish. Members shall receive no compensation for their services but shall be reimbursed their travel expenses while engaged in business of the committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) The committee shall each year recommend to the governor a recipient for a "governor's award of excellence" which the governor shall award for outstanding achievement by an industry, company, or individual in the area of hazardous waste or solid waste management.

NEW SECTION. Sec. 402. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of the tax the value of reusable or recyclable materials or packaging returned by the buyer to the seller when state law requires the seller:

(a) To assess a core charge for the new materials or packaging when the buyer does not return used materials or packaging at the time of purchase of new materials or packaging; and

(b) To accept used materials or packaging for reuse or recycling in exchange for new materials or packaging purchased.

(2) This section shall not apply to manufacturers as defined in RCW 82.04.110.

(3) For purposes of this section, the value of the returned reusable or recyclable materials and packaging, and the deduction amount, is the amount charged by the seller and rebated or credited to the buyer, but not including the amount of retail sales tax rebated or credited, when the materials or packaging are returned.

NEW SECTION. Sec. 403. Part headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 404. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, 201 through 212 of this act shall be null and void.

NEW SECTION. Sec. 405. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 406. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "recycling;" strike the remainder of the title and insert "amending RCW 70.93.020, 70.93.030, 70.95C.120, 70.95.040; recodifying RCW 19.114.040; repealing RCW 19.114.010, 19.114.020, 19.114.030, 19.114.900, 43.131.552, 43.131.554, and 43.31.556; adding a new section to chapter 70.93 RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.105 RCW; adding a new section to chapter 82.04 RCW; adding new chapters to Title 70 RCW; creating new sections; prescribing penalties; and declaring an emergency."

Signed by Representatives Wang, Chair; Fraser, Vice Chair; Holland, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Belcher; Brumsickle; Day; Leonard; Morris; Phillips; Rust; and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representatives Morton and Silver.

Excused: Representatives Appelwick and Van Luven.

Passed to Committee on Rules for second reading.

April 8, 1991

2SSB 5667 Prime Sponsor, Committee on Ways & Means: Assuring access to local evaluation and treatment facilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care. (For committee amendment, see Journal, 80th Day, April 3, 1991.) Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Appelwick; Belcher; Braddock; Brekke; Dorn; Ebersole; Ferguson; Hine; Holland; Lisk; May; McLean; Mielke; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Bowman; Fuhrman; and Nealey.

Excused: Representatives Pruitt and Sprengle.

Passed to Committee on Rules for second reading.

April 6, 1991

SSB 5702 Prime Sponsor, Committee on Ways & Means: Directing the economic and revenue forecast council to forecast caseloads. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.88 RCW to read as follows:

The office of financial management shall determine caseload forecasts. The department of social and health services, the department of corrections, the higher education coordinating board, the state board for community college education, the superintendent of public instruction, and the caseload forecast workgroup shall assist the office of financial management in determining caseloads. As used in this act, "caseloads" means:

- (1) State population, and
- (2) The number of persons expected to meet eligibility requirements or require services from the following programs or institutions:
 - (a) Income assistance programs;
 - (b) The medical assistance program;
 - (c) The juvenile rehabilitation program;
 - (d) Nursing homes;
 - (e) State correctional institutions;
 - (f) State institutions for the mentally ill, including involuntary treatment;
 - (g) Kindergarten through twelfth grade institutions,
 - (h) Handicapped enrollment;
 - (i) Bilingual education enrollment;
 - (j) Higher education institutions; and

(k) Other programs or institutions as determined by the office of financial management.

NEW SECTION. Sec. 2. A new section is added to chapter 43.88 RCW to read as follows:

(1) On or before November 20th of each year, February 20th in the even-numbered years, and March 20th in the odd-numbered years, the director of financial management shall submit a caseload forecast report to the chairs of the appropriate legislative committees. The report shall contain for each caseload in section 1 of this act:

(a) A caseload forecast for the current biennium, and the ensuing biennium if appropriate;

(b) The methods, assumptions, and policy or program changes upon which each caseload forecast is based; and

(c) The fiscal impact of each caseload forecast for each fiscal year.

(2) The office of financial management may update a caseload forecast when actual caseload deviates significantly from the forecast. The office of financial management shall meet with the caseload forecast workgroup whenever a caseload forecast is updated.

NEW SECTION. Sec. 3. A new section is added to chapter 43.88 RCW to read as follows:

(1) To promote the free flow of information and legislative review of caseload forecasts, the caseload forecast workgroup is hereby created. The caseload forecast workgroup shall consist of one staff person selected by the executive head or chairperson of each of the following committees or agencies:

(a) The ways and means committee of the senate;

(b) The fiscal committees of the house of representatives;

(c) Other legislative committees determined to be appropriate by the majority leader of the senate and the speaker of the house of representatives;

(d) The office of financial management;

(e) The department of social and health services, the department of corrections, the higher education coordinating board, the state board for community college education, the superintendent of public instruction, and other agencies determined to be appropriate by the director of financial management.

(2) The caseload forecast workgroup shall provide technical support to the office of financial management in determining caseloads. Meetings of the caseload forecast workgroup may be called by any member of the group for the purpose of assisting the office of financial management, reviewing caseload forecasts, or for any other purpose which may assist in the caseload forecast process.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing institutions, and shall take effect July 1, 1991."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "adding new sections to chapter 43.88 RCW; and declaring an emergency."

Signed by Representatives Wang, Chair; Fraser, Vice Chair; Appelwick; Day; Leonard; Morris; Phillips; and Rust.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Belcher; Brumsickle; Morton; Silver; and Van Luven.

Voting nay: Representatives Holland, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Belcher; Brumsickle; Morton; and Silver.

Excused: Representative Van Loven.

Passed to Committee on Rules for second reading.

April 6, 1991

E2SSB 5753 Prime Sponsor, Committee on Ways & Means: Making major efforts to improve habitat for upland birds. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendment:

On page 5, after line 4, insert:

"NEW SECTION. Sec. 4. The legislature intends the fees for western Washington upland game bird permits to be as specified in section 3 of this act, irrespective of the enactment of chapter, Laws of 1991 (SHB 1850)."

Renumber sections consecutively and correct any internal references accordingly.

Signed by Representatives Wang, Chair; Fraser, Vice Chair; Holland, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Brumsickle; Day; Leonard; Morton; Phillips; and Rust.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher and Van Loven.

Excused: Representative Rust.

Passed to Committee on Rules for second reading.

April 8, 1991

SB 5779 Prime Sponsor, Senator Bauer: Requiring direct appropriations to the school for the deaf and the school for the blind. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Ebersole; Ferguson; Fuhrman; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

Excused: Representatives Pruitt and Sprenkle.

Passed to Committee on Rules for second reading.

April 8, 1991

ESB 5824 Prime Sponsor, Senator Saling: Changing provisions relating to the funding of community college summer courses. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 8, strike all of subsection (2) and insert the following,

"(2)(a) The board of trustees of a community college district may permit the district's state-funded, full-time equivalent enrollment level, as provided in the operating budget appropriations act, to vary by plus or minus two percent each fiscal year unless otherwise authorized in the operating budget appropriations act. If the variance is above the state-funded level, the district may charge those students above the state-funded level a fee equivalent to the amount of tuition and fees that are charged students enrolled in state-funded courses. These fees shall be retained by the colleges.

(b) Any community college that in 1990-91 has an enrollment above the state-funded level but below the authorized variance may increase its excess enrollments to within the variance.

(c) Community colleges that currently have excess enrollments more than the authorized variance, by means of enrollments that would have otherwise been eligible for state funding, shall reduce those excess enrollments to within the authorized variance by September 1, 1995, in at least equal annual reductions, commencing with the 1991-92 fiscal year.

(d) Should the number of student-supported, full-time equivalent enrollments in any fiscal year fall outside the authorized variance, the college shall return by September 1st to the state general fund, an amount equal to the college's full average state appropriations per full-time equivalent student for such student-funded full-time equivalent outside the variance, unless otherwise provided in the operating budget appropriations act."

Signed by Representatives Locke, Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Brekke; Dorn; Ferguson; Hine; Peery; Rust; H. Sommers; Valle; Wang; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Inslee, Vice Chair; Bowman; Braddock; Fuhrman; Holland; Lisk; May; McLean; Mielke; Nealey; and Vance.

Voting nay: Representatives Bowman; Braddock; Ebersole; Ferguson; Fuhrman; Holland; Lisk; May; McLean; Mielke; Nealey; and Vance.

Excused: Representatives Pruitt and Sprengle.

Passed to Committee on Rules for second reading.

April 8, 1991

SSB 5873 Prime Sponsor, Committee on Ways & Means: Providing insurance coverage for retired and disabled school district employees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments:

On page 1, strike everything after the enacting clause and insert:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.400 RCW to read as follows:

(1) Retired and disabled school district employees shall be entitled to continue their participation in any insurance plans and contracts after their retirement or disablement for a period of at least thirty months. These retired or disabled employees shall bear the full cost of premiums required to provide the coverage.

(2) This section applies to:

(a) School district employees who retire or are disabled after the effective date of this act; and

(b) School district employees who retired within the eighteen-month period ending on the effective date of this act.

(3) School district employees who retired more than eighteen months before the effective date of this act and who were covered by a school district's insurance plan on January 1, 1991, may continue their coverage for a period of at least one year from the effective date of this act.

NEW SECTION. Sec. 2. (1) The Washington state health care authority shall study and develop recommendations regarding health care coverage for retired and disabled public school employees. The study shall include, but not be limited to, the following:

(a) Collection of information regarding the cost to both the school district and the retired or disabled employee of coverage, the prevalence of use of available coverage by retirees, and the types of coverage made available through school districts;

(b) Evaluation of the feasibility and cost implications to retired or disabled employees, the state, school districts, and active employees of: (i) Requiring school districts to allow retired employees to continue their employer-sponsored health care coverage at a reasonable cost to the employee; or (ii) Allowing retired or disabled school district employees to participate in insurance plans offered by the state employees' benefits board even if the retired or disabled employees did not participate in such plans as active employees;

(c) Development of mechanisms to pre-fund health care coverage for retired and disabled employees, through means such as contributions by active employees to a fund established to finance future retired and disabled employees' health care benefits, and voluntary contributions by active employees to individual medical accounts from which funds can be drawn upon retirement or becoming disabled to pay premiums and costs for health care coverage;

(d) Establishment of variable health care coverage premium rates for retired or disabled employees based upon the individual retired or disabled individual's income; and

(e) Evaluation of any other areas deemed necessary by the health care authority.

(2) The health care authority may form technical advisory committees to assist with the study. The health care authority shall submit its findings and recommendations to the legislature by December 1, 1991.

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "adding a new section to chapter 28A.400 RCW; and creating a new section."

Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dom; Ebersole;

Ferguson; Fuhrman; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

Excused: Representatives Ebersole; Pruitt; and Sprenkle.

Passed to Committee on Rules for second reading.

MOTION

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

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

MOTION

On motion of Mr. Jacobsen, the House adjourned until 10:00 a.m., Tuesday, April 9, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, April 9, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Brekke, Cooper, Fraser, Locke, Morris, Scott and H. Sommers. On motion of Ms. Cole, Representatives Cooper, Locke and Scott were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bjorn Lundberg and Cinda Grant. Prayer was offered by The Reverend Robert Samuelson, Minister of the Peace Lutheran Brethren of Olympia.

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

MESSAGE FROM THE GOVERNOR

April 8, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 8, 1991, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1060: Relating to notice to the creditors of a deceased person;

SUBSTITUTE HOUSE BILL NO. 1062: Relating to power of fiduciaries to divide trusts;

HOUSE BILL NO. 1063: Relating to disposition of disclaimed interest;

HOUSE BILL NO. 1195: Relating to irrigation districts;

HOUSE BILL NO. 1267: Relating to the reconveyance of state forest lands leased for sanitary landfills;

SUBSTITUTE HOUSE BILL NO. 1702: Relating to the beef commission.

Sincerely,
Thomas J. Felnagle, Counsel.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider Senate Bill No. 5219 on the regular second reading calendar. The motion was carried.

SENATE BILL NO. 5219, by Senators Patterson, Vognild and Rasmussen; by request of Utilities & Transportation Commission

Changing the limits on liability of common carriers for damage or loss of baggage.

The bill was read the second time.

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

Representatives R. Fisher and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5219, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 4, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Fomer, Franklin, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Brekke, Fraser, Morris, Sommers, H. - 04.

Excused: Representatives Cooper, Locke, Scott - 03.

Senate Bill No. 5219, having received the constitutional majority, was declared passed.

Representative Brekke appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5276, by Senate Committee on Transportation (originally sponsored by Senators Nelson, Moore, Thorsness and Oke)

Requiring notice for impounded vehicle disposition.

The bill was read the second time.

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

Representatives R. Fisher and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5276, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 3, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Fraser, Morris, Sommers, H. - 03.

Excused: Representatives Cooper, Locke, Scott - 03.

Substitute Senate Bill No. 5276, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5311, by Senators McMullen, Nelson, Moore and Vognil

Exempting bare-boat charter boats from the provisions of the charter boat safety act.

The bill was read the second time.

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

Representatives Zellinsky and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5311, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 3, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Fraser, Morris, Sommers, H. - 03.

Excused: Representatives Cooper, Locke, Scott - 03.

Engrossed Senate bill No. 5311, having received the constitutional majority, was declared passed.

Representative Morris appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5383, by Senate Committee on Commerce & Labor (originally sponsored by Senators Hansen, Snyder, Matson, Barr and Skratek)

Regarding the administration of prevailing wages.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5383, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 2, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Fraser, Sommers, H. - 02.

Excused: Representatives Cooper, Locke, Scott - 03.

Substitute Senate Bill No. 5383, having received the constitutional majority, was declared passed.

Representative Fraser appeared at the bar of the House.

MOTION

Mr. Dorn moved that the House defer consideration of Senate Bill No. 5449 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5520, by Senate Committee on Commerce & Labor (originally sponsored by Senators Newhouse, Jesernig, Murray, Matson, Skratek, Vognild, Bluechel, McCaslin, West, Hayner, Stratton, Patterson, Gaspard, Rinehart, Bauer and Saling)

Creating permits for wine shipments to and from individuals.

The bill was read the second time.

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

Representatives Heavey and Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5520, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Sommers, H. - 01.

Excused: Representatives Cooper, Locke, Scott - 03.

Substitute Senate Bill No. 5520, having received the constitutional majority, was declared passed.

Representative H. Sommers appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5583, by Senate Committee on Commerce & Labor (originally sponsored by Senators Anderson, McMullen, Moore, L. Smith and Oke; by request of Dept. of Trade and Economic Developmt)

Pertaining to the child care facility fund.

The bill was read the second time.

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

MOTION

Mr. Dorn moved that the House defer further consideration of Substitute Senate Bill No. 5583 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5796, by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Niemi)

Making major changes to nursing assistant licensure.

The bill was read the second time.

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

Representatives Braddock and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5796, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Cooper, Locke, Scott - 03.

Substitute Senate Bill No. 5796, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8009, by Senators Hayner and Jesernig
Requesting Congress to create a HAMMER training center at Hanford.

The memorial was read the second time.

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

Representatives H. Myers and May spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8009, and the memorial passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Cooper, Locke, Scott - 03.

Senate Joint Memorial No. 8009, having received the constitutional majority, was declared passed.

SENATE JOINT RESOLUTION NO. 8203, by Senators McCaslin and Nelson

Amending the Constitution to provide an additional method for a county to frame a "home rule" charter.

The resolution was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Resolution No. 8203, and the resolution passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Deilwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Cooper, Locke, Scott - 03.

Senate Joint Resolution No. 8203, having received the constitutional majority, was declared passed.

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

Representative Scott appeared at the bar of the House.

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

INTRODUCTION AND FIRST READING

ESCR 8406 by Senator Hayner

Amending the cutoff resolution, House Concurrent Resolution No. 4402, to allow for further consideration of Senate Bill No. 5149.

MOTION

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

Mr. Ebersole moved adoption of the following amendments:

On page 2, line 4, strike "and"

On page 2, line 4 following "1868" insert ", Engrossed Substitute House Bill No. 1022, Engrossed Substitute House Bill No. 1036, Engrossed Substitute House Bill No. 1037, Engrossed Substitute House Bill No. 1471, Engrossed Substitute House Bill No. 1569, Substitute Senate Bill No. 5245, and property tax relief legislation"

On page 2, line 8, after "1434," strike "and"

On page 2, line 8, following "1868" insert ", Engrossed Substitute House Bill No. 1022, Engrossed Substitute House Bill No. 1036, Engrossed Substitute House Bill No.

1037, Engrossed Substitute House Bill No. 1471, Engrossed Substitute House Bill No. 1569, Substitute Senate Bill No. 5245, and property tax relief legislation"

On page 2, line 13, strike "and"

On page 2, line 14, following "1868" insert ", Engrossed Substitute House Bill No. 1022, Engrossed Substitute House Bill No. 1036, Engrossed Substitute House Bill No. 1037, Engrossed Substitute House Bill No. 1471, Engrossed Substitute House Bill No. 1569, Substitute Senate Bill No. 5245, and property tax relief legislation"

MOTION

Mr. Ebersole moved that the House defer further consideration of Engrossed Senate Concurrent Resolution No. 8406 and that the resolution hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 5075, by Senators Nelson, Talmadge, von Reichbauer, Erwin and Skratek

Creating a committee to study the Washington condominium act.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 5, 1991.)

On motion of Mr. Ludwig, the committee amendment was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5075 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Cooper, Locke - 02.

Senate Bill No. 5075 as amended by the House, having received the constitutional majority, was declared passed.

Representative Locke appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5106, by Senate Committee on Transportation (originally sponsored by Senators Patterson, Vognild and Conner; by request of Office of Financial Management and Governor Gardner)

Adopting the supplemental transportation budget.

The bill was read the second time.

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

Representatives R. Fisher and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5106, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Cooper - 01.

Substitute Senate Bill No. 5106, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5108, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, McCaslin, Moore, Vognild, Matson, Rasmussen, Pelz and Owen; by request of Attorney General)

Regulating promotional advertising of prizes.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 75th Day, March 29, 1991.)

Mr. Heavey moved adoption of the committee amendments on page 2, lines 20 and 23, and page 4, line 25 and spoke in favor of them. The committee amendments were adopted.

On motion of Mr. Heavey, the committee amendment on page 2, line 17 was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5108 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

 Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

 Excused: Representative Cooper - 01.

Substitute Senate Bill No. 5108 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately resume consideration of Engrossed Senate Concurrent Resolution No. 8406 on the regular second reading calendar. The motion was carried. (For previous action, see today's Journal.)

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406, by Senator Hayner

Amending the cutoff resolution, House Concurrent Resolution No. 4402, to allow for further consideration of Senate Bill No. 5149.

The Speaker stated the question before the House to be adoption of the amendments on page 2 by Representative Ebersole.

Mr. Padden moved adoption of the following amendments to the amendments by Representative Ebersole:

On page 1, line 4 of the amendment, after "insert" insert: "House Joint Memorial 4009"

On page 1, line 11 of the amendment, after "insert" insert: "House Joint Memorial 4009"

On page 2, line 2 of the amendment, after "insert" insert: "House Joint Memorial 4009"

Mr. Padden spoke in favor of adoption of the amendments to the amendments, and they were adopted.

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

On page 1, line 4 of the amendment, after "insert" insert: "Senate Bill 5067"

On page 1, line 11 of the amendment, after "insert" insert: "Senate Bill 5067"

On page 2, line 2 of the amendment, after "insert" insert: "Senate Bill 5067"

Mr. Padden spoke in favor of adoption of the amendments to the amendments, and they were adopted.

Mr. Holland moved adoption of the following amendments to the amendments:

On page 1, line 4 of the amendment, after "insert" insert: "House Bill 1376"

On page 1, line 11 of the amendment, after "insert" insert: "House Bill 1376"

On page 2, line 2 of the amendment, after "insert" insert: "House Bill 1376"

Representatives Holland and Ebersole spoke in favor of adoption of the amendments to the amendments, and they were adopted.

The amendments by Representative Ebersole as amended were adopted.

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

Representatives Ebersole and Miller spoke in favor of passage of the bill.

Engrossed Senate Concurrent Resolution No. 8406 as amended by the House was adopted.

MOTION

On motion of Mr. Ebersole, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. R. Meyers presiding) called the House to order at 2:00 p.m. The Clerk called the roll and all members were present except Representatives Locke, Peery and H. Sommers. On motion of Mr. Bray, Representative Locke was excused.

MOTION

Mr. Ebersole moved that the House immediately consider Senate Bill No. 5170 on the regular second reading calendar. The motion was carried.

SENATE BILL NO. 5170, by Senators Snyder, Nelson and Rasmussen

Changing the number of district judges.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5,, 1991.)

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

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5170 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 2, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Peery, Sommers, H. - 02.

Excused: Representative Locke - 01.

Senate Bill No. 5170 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5295, by Senate Committee on Transportation (originally sponsored by Senators Conner, Patterson, Stratton and Nelson)

Requiring identification on big trucks.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

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

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

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

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5295 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 2, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Peery, Sommers, H. - 02.

Excused: Representative Locke - 01.

Substitute Senate Bill No. 5295, having received the constitutional majority, was declared passed.

Representatives Locke, Peery and H. Sommers appeared at the bar of the House.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5318, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Pelz, Owen, Johnson, Vognild, Moore, Rasmussen, McCaslin, Matson, Sellar and West)

Prescribing penalties for money laundering.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

On motion of Mr. Dellwo, the committee amendment was adopted.

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5318 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5318 as amended by the House, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5341, by Senate Committee on Ways & Means (originally sponsored by Senators L. Kreidler, Bailey, Murray, Talmadge, Stratton and Bauer)

Providing liability insurance to foster parents.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

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

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5341 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker: 98.

Second Substitute Senate Bill No. 5341 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5357, by Senate Committee on Energy & Utilities (originally sponsored by Senators Barr and Madsen; by request of Jnt Sel Com on Water Resource Policy)

Directing that criteria be established designating individuals or water purveyors as satellite system management agencies.

The bill was read the second time.

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

Representatives Belcher and Beck spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5357, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5357, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Ms. Cantwell presiding) called the House to order.

MESSAGE FROM THE SENATE

April 9, 1991

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5036,
 SENATE BILL NO. 5047,
 SUBSTITUTE SENATE BILL NO. 5090,
 SENATE BILL NO. 5103,
 SENATE BILL NO. 5190,
 SUBSTITUTE HOUSE BILL NO. 1200,
 SUBSTITUTE HOUSE BILL NO. 1304,
 HOUSE BILL NO. 1450,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Wednesday, April 10, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 10, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Brough, Ebersole, Locke, H. Sommers and Mr. Speaker. On motion of Mr. Vance, Representative Brough was excused. On motion of Ms. Cole, Representatives Ebersole, Locke, H. Sommers and Mr. Speaker were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Beth Pinkley and Carl Staaf. Prayer was offered by The Reverend Randy Burtis, Minister of the Neighborhood Christian Church of Olympia.

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

MESSAGE FROM THE SENATE

April 9, 1991

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1091,
ENGROSSED HOUSE BILL NO. 1118,
ENGROSSED HOUSE BILL NO. 1156,
HOUSE BILL NO. 1625,
SUBSTITUTE HOUSE BILL NO. 1789,
HOUSE BILL NO. 1955,
HOUSE BILL NO. 1995,

ENGROSSED HOUSE JOINT MEMORIAL NO. 4008,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 91-4660, by Representatives Wood, R. King, Haugen, May, Horn, Beck, Cantwell, Ferguson, Paris, Van Luven, Scott, Sprinkle, Wynne and Wilson

WHEREAS, The recent events in the Persian Gulf have caused us once again to reflect upon the sacrifices made by members of our armed services in defending our freedom and liberty; and

WHEREAS, It is appropriate that we recognize and honor acts of bravery and courage and show our gratitude for acts of personal sacrifice when such acts are brought to our attention; and

WHEREAS, "Exercise Tiger," one of World War II's most tragic and forgotten naval battles, was until recently shrouded in military secrecy. In the early morning hours of April 28, 1944, an unescorted and minimally prepared group of LST's were unexpectedly overwhelmed by an attack of German torpedo boats in the English Channel. A practice mission for the D-Day Invasion of the Normandy coast, "Exercise Tiger" resulted in the loss of five hundred fifty-one American soldiers and one hundred ninety-eight American sailors; and

WHEREAS, Coxswain Joseph E. "Eddie" McCann, Jr. of Everett, Washington, at the age of fifteen, in command of a thirty-six foot landing craft performed acts of bravery and courage as a member of the combat crew of the USS Caddo Parish, LST 515, when under the leadership of the captain, Lt. John H. Doyle, LST 515 returned to the combat zone and rescued more than one hundred survivors; and

WHEREAS, Lt. Roger P. Shaeffer of Bellevue, Washington, a member of the crew of LST 289, was severely wounded in this same action;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and pay tribute to the memory of the bravery, courage, and sacrifice of the many American soldiers and sailors who served in Exercise Tiger; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Joseph E. McCann, Jr. and Roger P. Shaeffer.

Ms. Wood moved adoption of the resolution. Representatives Wood, Ferguson, Paris and Lisk spoke in favor of the resolution.

House Resolution No. 91-4660 was adopted.

HOUSE RESOLUTION NO. 91-4661, by Representatives Bowman, Sheldon and Brumsickle

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This extraordinary day, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world and is observed in Washington State on April 10; and

WHEREAS, Trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource and play a vital part in our state's economy in the production of paper, home and building construction, fuel for our fires, and countless other purposes; and

WHEREAS, Trees increase property values, enhance the economic vitality of business areas, and beautify our communities; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives acknowledge the tremendous aesthetic and economic benefits that trees make to the Evergreen State; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Chief Clerk of the House of Representatives to the Washington State Arbor Day Council.

Ms. Bowman moved adoption of the resolution. Representatives Bowman and Sheldon spoke in favor of the resolution.

House Resolution No. 91-4661 was adopted.

HOUSE RESOLUTION NO. 91-4659, by Representatives O'Brien, Hine, Zellinsky, Orr, R. King, Winsley, Valle, Wilson, Prince, Wineberry, Nelson, Jacobsen, Phillips, Day, Heavey, Inslee, Leonard and Anderson

WHEREAS, John D. Richmond has served with dedication and sincerity in behalf of fire fighters of the State of Washington for twenty-five years; and

WHEREAS, John Richmond was a distinguished member of the Washington State Retirement Board for twelve years where he was known as a conscientious and strong advocate for the rights and principles of retiree benefits; and

WHEREAS, John Richmond has had a varied career serving as a merchant seaman from 1937 to 1946, on a troop ship in World War II in the South Pacific and Alaska, and as a member of the King County Council Redistricting Commission; and

WHEREAS, John Richmond left the high seas to become Captain of the Seattle Fireboat in 1946 where he served until his retirement in 1972; and

WHEREAS, John Richmond was honored by his fellow fire fighters by election to the office of Secretary-Treasurer of Seattle Fire Fighters Local Number 27, and later by his election as President of the Seattle Retired Fire Fighters Association; and

WHEREAS, John Richmond in these honored positions was often characterized by the comment "this will go on your record"; and

WHEREAS, John Richmond demonstrated his commitment to fire fighters' personnel as he diligently pursued their interests in pension reform, adequate salaries, and safety conditions;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives extend its heartiest congratulations and best wishes to John Richmond on his retirement from the Washington State Retirement Board, and share with him on this occasion, which must be a genuine source of personal satisfaction, that, as a fire fighter leader, he made a life commitment so that all

fire fighter officers and their families could lead happier and more meaningful lives; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to John Richmond.

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

The Speaker (Mr. O'Brien presiding) called on Representative Wineberry to preside.

Representatives O'Brien, Orr, Ferguson and Leonard spoke in favor of the resolution.

The Speaker (Mr. Wineberry presiding) called on Representative O'Brien to preside.

House Resolution No. 91-4659 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) recognized Mr. John D. Richmond, who was seated in the place of honor in the rear of the House Chamber, and members of the Seattle Retired Firefighters Association, who were seated in the South Gallery.

HOUSE RESOLUTION NO. 91-4665, by Representatives Wineberry, Ebersole, Ballard, Hine, O'Brien, Franklin, Jacobsen, Appelwick, Wood, R. Fishers, Locke, Anderson, Valle, Brekke, Nelson, Heavey, Phillips, H. Sommers, Leonard, Scott and Prentice

WHEREAS, Professor Charles R. Johnson has taught at the University of Washington for fourteen years and has directed the creative writing program for the past three years; and

WHEREAS, Washington has honored Professor Johnson's work twice before with the 1983 and 1989 Governor's Award for Literature; and

WHEREAS, The University of Washington recently named Professor Johnson the Pollock Professor for English, an appointment usually reserved for visiting professors; and

WHEREAS, Professor Johnson's third novel, *The Middle Passage*, won the 1990 National Book Award for fiction, and has been described as "heroic in proportion" and as "an emancipation proclamation for black writers"; and

WHEREAS, Professor Johnson is the fourth African-American writer to receive the award in its forty-year history, joining the ranks of Ralph Ellison, Gloria Naylor, and Alice Walker; and

WHEREAS, Professor Johnson's other works include: Two novels, *Faith and the Good Thing* and *Oxherding Tale*; a volume of short stories, *The Sorcerer's*

Apprentice; a critical study of black writers, *Being and Race*; and film and television scripts; and

WHEREAS, Professor Johnson is prized and respected at the University of Washington as an effective and committed teacher as well as a writer;

NOW, THEREFORE BE IT RESOLVED, That the House of Representatives of the State of Washington recognize Professor Charles R. Johnson for the honor and distinction he has brought to himself, the University of Washington, and to the state of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives salute the unique literary style that has earned Professor Johnson his many honors; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Professor Johnson and to University of Washington President William P. Gerberding.

Mr. Wineberry moved adoption of the resolution. Representatives Wineberry and Jacobsen spoke in favor of the resolution.

House Resolution No. 91-4665 was adopted.

The Speaker (Mr. O'Brien presiding) called on Representative Wineberry to preside.

SPEAKER'S PRIVILEGE

The Speaker (Mr. Wineberry presiding) introduced Professor Charles R. Johnson, who was seated on the rostrum. Professor Johnson briefly addressed the members of the House of Representatives.

The Speaker (Mr. Wineberry presiding) called on Representative O'Brien to preside.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider Senate Bill No. 5367 on the regular second reading calendar. The motion was carried.

SENATE BILL NO. 5367, by Senators Patterson, Sellar, Owen and Snyder

Concerning the transport of recovered materials.

The bill was read the second time.

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

Representatives R. Fisher and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5367, and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Warig, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky - 91.

Voting nay: Representatives Bray, Ludwig - 02.

Excused: Representatives Brough, Ebersole, Locke, Sommers, H., and Mr. Speaker - 05.

Senate Bill No. 5367, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5381, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators West, Gaspard, Bailey, Hansen, Bauer and L. Smith)

Allowing a veterinarian to dispense legend drugs prescribed by another veterinarian.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5381, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada,

Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky - 93.

Excused: Representatives Brough, Ebersole, Locke, Sommers, H., and Mr. Speaker - 05.

Substitute Senate Bill No. 5381, having received the constitutional majority, was declared passed.

Representatives Brough, Ebersole, Locke and Mr. Speaker appeared at the bar of the House.

MOTION

Mr. Dorn moved that the House defer consideration of Engrossed Substitute Senate Bill No. 5411 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5466, by Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Moore, Amondson, Conner, Johnson, Newhouse, West, Rasmussen, Wojahn, Sutherland and L. Smith)

Limiting the strict liability of pharmacists.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 73rd Day, March 27, 1991.)

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

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5466 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Sommers, H. - 01.

Substitute Senate Bill No. 5466 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5473, by Senators McCaslin and Madsen; by request of Department of General Administration

Creating the tort claims revolving fund.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 5, 1991.)

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5473 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson,

O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Sommers, H. - 01.

Senate Bill No. 5473 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5497, by Senate Committee on Commerce & Labor (originally sponsored by Senators McMullen, Matson, Rasmussen, Sellar, McCaslin, Murray and Stratton)

Revising the right to a construction lien.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

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

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5497 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Sommers, H. - 01.

Substitute Senate Bill No. 5497 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5518, by Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness, Sutherland, Patterson, Jesernig, Stratton and Roach; by request of Attorney General)

Regulating pay-per-call services.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

On motion of Ms. H. Myers, the committee amendment on page 2, line 16, was adopted.

On motion of Ms. H. Myers, the committee amendment on page 2, line 28, was adopted.

On motion of Ms. H. Myers, the committee amendments on page 3, line 14, and page 5, lines 12 and 16, were adopted.

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

Ms. H. Myers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5518 as amended by the House as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Fisher, R., Heavey, Miller - 03.

Excused: Representative Sommers, H. - 01.

Substitute Senate Bill No. 5518 as amended by the House, having received the constitutional majority, was declared passed.

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

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

The Speaker (Mr. O'Brien presiding) declared the House to be at recess until 2:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. R. Meyers presiding) called the House to order at 2:00 p.m. The Clerk called the roll and all members were present except Representatives Betrozoff, Bray, Brough, G. Fisher, Horn, Locke, Phillips, H. Sommers and Sprenkle. On motion of Ms. Cole, Representatives Bray and Locke were excused. On motion of Mr. Vance, Representatives Betrozoff, Brough and Horn were excused.

MOTION

Mr. Dorn moved that the House immediately consider Senate Bill No. 5586 on the regular second reading calendar. The motion was carried.

SENATE BILL NO. 5586, by Senators McCaslin, Sutherland and Roach; by request of Military Department

Making technical corrections to provisions for the state militia.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5586, and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 4, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Bowman, Braddock, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 89.

Absent: Representatives Fisher, G., Phillips, Sommers, H., Sprenkle - 04.
Excused: Representatives Betrozoff, Bray, Brough, Horn, Locke - 05.

Senate Bill No. 5586, having received the constitutional majority, was declared passed.

Representatives Betrozoff, Brough, Horn and Phillips appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

I was present at the bar of the House and would have voted "yea" on final passage of Senate Bill No. 5586.

JEAN MARIE BROUGH, 30th District.

MOTION

Mr. Dorn moved that the House defer consideration of Substitute Senate Bill No. 5612 and that the bill hold its place on the second reading calendar. The motion was carried.

MOTION

On motion of Ms. Cole, Representatives G. Fisher, H. Sommers and Sprenkle were excused.

SUBSTITUTE SENATE BILL NO. 5628, by Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Barr and Hansen)

Modifying provisions for crop liens for handlers.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

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

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5628 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Bray, Fisher, G., Locke, Sommers, H., Sprengle - 05.

Substitute Senate Bill No. 5628 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5630, by Senators McCaslin, Madsen and Nelson; by request of Department of Wildlife

Exempting certain permits and licenses from the definition of a fee.

The bill was read the second time.

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

Representatives Belcher and Beck spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5630, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Bray, Fisher, G., Locke, Sommers, H., Sprengle - 05.

Senate Bill No. 5630, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5672, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Niemi, McDonald, West, L. Smith and Sutherland; by request of Office of Financial Management and Dept. of Social & Health Services)

Changing provisions relating to antipsychotic medication.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Braddock moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

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

Representatives Braddock and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5672 as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 3, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Cole, Heavey, Phillips - 03.

Excused: Representatives Bray, Fisher, G., Locke, Sommers, H., Sprengle - 05.

Engrossed Substitute Senate Bill No. 5672, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5713, by Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Barr and Hansen; by request of Department of Agriculture)

Making changes to license administration by the department of agriculture.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 78th Day, April 1, 1991.)

Ms. Rayburn moved adoption of the committee amendment. Representatives Rayburn and Nealey spoke in favor of the committee amendment, and it was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5713 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Bray, Fisher, G., Locke, Sommers, H., Sprinkle - 05.

Substitute Senate Bill No. 5713 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5720, by Senate Committee on Transportation (originally sponsored by Senators Patterson, Vognild and Nelson; by request of Department of Transportation)

Recodifying statutes on motorist information signs.

The bill was read the second time.

Mr. Holland moved adoption of the following amendment by Representatives Holland, R. Fisher, Betzoff and Ferguson:

On page 11, after line 2, insert:

"NEW SECTION. Sec. 5. A new section is added to chapter 47.36.050 RCW to read as follows:

The department shall ensure that specific information panels are installed within nine months of receiving the request for installation."

Renumber the remaining section consecutively.

Representatives Holland and R. Fisher spoke in favor of adoption of the amendment, and it was adopted.

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

Representatives R. Fisher and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5720 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Bray, Fisher, G., Locke, Sommers, H., Sprengle - 05.

Substitute Senate Bill No. 5720 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5801, by Senators Patterson and Vognild

Revising state highway routes.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

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

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

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

Representatives R. Fisher, Betrozoff and Cooper spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5801 as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Johnson P., McLean - 02.

Excused: Representatives Bray, Fisher, G., Locke, Sommers, H., Sprenkle - 05.

Engrossed Senate Bill No. 5801 as amended by the House, having received the constitutional majority, was declared passed.

Representatives G. Fisher and Sprenkle appeared at the bar of the House.

MOTION

Mr. Dorn moved that the House defer consideration of Engrossed Substitute Senate Bill No. 5825 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 5834, by Senator McCaslin; by request of Secretary of State

Updating archiving methods.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 5, 1991.)

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5834 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dom, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bray, Locke, Sommers, H. - 03.

Senate Bill No. 5834 as amended by the House, having received the constitutional majority, was declared passed.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5583, by Senators Anderson, McMullen, Moore, L. Smith and Oke; by request of Department of Trade and Economic Development

Pertaining to the child care facility fund.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5583, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dom, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprengle, Tate, Valle, Vance, Van

Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Grant - 01.

Excused: Representatives Bray, Locke, Sommers, H. - 03.

Senate Bill No. 5583, having received the constitutional majority, was declared passed.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider Second Substitute Senate Bill No. 5167 on the regular second reading calendar. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5167, by Senate Committee on Ways & Means (originally sponsored by Senators Nelson, Rasmussen, Newhouse, Stratton, Roach, Niemi and Talmadge)

Amending the juvenile justice act.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

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

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

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

Representatives Appelwick, McLean, Ebersole and Leonard spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5167 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G.,

Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bray, Locke, Sommers, H. - 03.

Second Substitute Senate Bill No. 5167 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider Substitute Senate Bill No. 5030 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5030, by Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge and Thorsness)

Prohibiting the unauthorized reproduction or recording of material.

The bill was read the second time.

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

Representatives Ludwig and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5030, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bray, Locke, Sommers, H. - 03.

Substitute Senate Bill No. 5030, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5104, by Senators Moore, Amondson and Metcalf

Revising pilot examinations.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 75th Day, March 29, 1991.)

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

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

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5104 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bray, Locke, Sommers, H. - 03.

Senate Bill No. 5104 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5220, by Senators Patterson and Vognild; by request of Utilities & Transportation Commission

Modifying railroad crossing inspection fees.

The bill was read the second time.

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

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5220, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bray, Locke, Sommers, H. - 03.

Senate Bill No. 5220, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5221, by Senators Sellar and Snyder; by request of Utilities & Transportation Commission

Requiring motor carriers to submit copies of contracts with permit applications.

The bill was read the second time.

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

Representatives R. Fisher and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5221, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van

Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bray, Locke, Sommers, H. - 03.

Senate Bill No. 5221, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of Substitute Senate Bill No. 5260 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5288, by Senate Committee on Transportation (originally sponsored by Senators Rasmussen, Thorsness, Patterson, McMullen, Oke and Skratek)

Renaming the state portion of Interstate 90 the American Veterans Memorial Highway.

The bill was read the second time.

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

Ms. R. Fisher spoke in favor of passage of the bill.

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

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

INTRODUCTIONS AND FIRST READING

HB 2200 by Representative Phillips

AN ACT Relating to providing state funding assistance to school districts; adding new sections to chapter 28A.300 RCW; and making an appropriation.

Referred to Committee on Appropriations.

HCR 4413 by Representatives R. King, Wilson and Anderson

Creating a joint select committee on the department of wildlife.

Referred to Committee on Fisheries & Wildlife.

HCR 4414 by Representatives Rasmussen, Dorn, Tate, Sheldon and R. Fisher

Requiring a study on water system rates by the joint select committee on water resource policy.

Referred to Committee on Energy & Utilities.

MOTION

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

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

MOTION

On motion of Mr. Ebersole, House Bill No. 2198 was referred from Committee on Higher Education to Committee on Appropriations.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Thursday, April 11, 1991.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

EIGHTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 11, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Brekke, R. King, Locke, Nelson, Orr, Roland, H. Sommers, Sprenkle, Wang, Wilson, Wineberry and Mr. Speaker. On motion of Ms. Cole, Representatives Locke, Roland and Mr. Speaker were excused. On motion of Mr. Vance, Representative Wilson was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joshua McKarcher and Tanu Frank. Prayer was offered by The Reverent Robert Samuelson, Minister of Peace Lutheran Brethren of Olympia.

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

MESSAGES FROM THE SENATE

April 10, 1991

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1008,
 SUBSTITUTE HOUSE BILL NO. 1050,
 HOUSE BILL NO. 1057,
 HOUSE BILL NO. 1072,
 HOUSE BILL NO. 1125,
 ENGROSSED HOUSE BILL NO. 1177,
 ENGROSSED HOUSE BILL NO. 1244,
 SUBSTITUTE HOUSE BILL NO. 1270,
 HOUSE BILL NO. 1364,
 HOUSE BILL NO. 1716,
 SUBSTITUTE HOUSE BILL NO. 1800,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1824,
 SUBSTITUTE HOUSE BILL NO. 1915,
 SUBSTITUTE HOUSE BILL NO. 1958,
 HOUSE BILL NO. 2021,
 SUBSTITUTE HOUSE BILL NO. 2069,
 HOUSE BILL NO. 2142,

HOUSE JOINT MEMORIAL NO. 4015,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5395,
and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 10, 1991

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5106,
SENATE BILL NO. 5219,
SUBSTITUTE SENATE BILL NO. 5276,
SUBSTITUTE SENATE BILL NO. 5357,
SUBSTITUTE SENATE BILL NO. 5383,
SUBSTITUTE SENATE BILL NO. 5520,
SUBSTITUTE SENATE BILL NO. 5796,
SENATE JOINT MEMORIAL NO. 8009,
SENATE JOINT RESOLUTION NO. 8203,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

INTRODUCTION AND FIRST READING

ESSB 5395 by Senate Committee on Ways & Means (originally sponsored by Senators McDonald, Niemi, Conner, Rasmussen, Bauer and Erwin; by request of Governor Gardner)

Making supplemental appropriations for the 1989-91 biennium.

Referred to Committee on Appropriations.

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

Representative Nelson appeared at the bar of the House.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider Substitute Senate Bill No. 5322 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5322, by Senate Committee on Commerce & Labor (originally sponsored by Senators Conner, Rasmussen, Snyder, Pelz and McCaslin)

Permitting emergency exemptions from building codes.

The bill was read the second time.

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

Representatives Franklin and Mitchell spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5322, and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 7, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Winsley, Wood, Wynne, Zellinsky - 87.

Absent: Representatives Brekke, King, R., Orr, Sommers, H., Sprengle, Wang, Wineberry - 07.

Excused: Representatives Locke, Roland, Wilson, and Mr. Speaker - 04.

Substitute Senate Bill No. 5322, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5391, by Senators Thorsness, Sutherland and Stratton; by request of Utilities & Transportation Commission

Authorizing the utilities and transportation commission to appoint persons to do emergency adjudications.

The bill was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5391, and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 7, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Winsley, Wood, Wynne, Zellinsky - 87.

Absent: Representatives Brekke, King, R., Orr, Sommers, H., Sprenkle, Wang, Wineberry - 07.

Excused: Representatives Locke, Roland, Wilson, and Mr. Speaker - 04.

Senate Bill No. 5391, having received the constitutional majority, was declared passed.

Representatives R. King, Orr, Wang and Wilson appeared at the bar of the House.

SENATE BILL NO. 5442, by Senator Moore

Changing motorcycle instruction permit restrictions.

The bill was read the second time.

Mr. Cooper moved adoption of the following amendment by Representatives Cooper and Schmidt:

On page 2, line 15, after "facility" strike the remainder of the section and insert ", and shall be under the direct visual supervision of a person with a motorcycle endorsement of the appropriate category (~~and at least five years' riding experience~~)."

Mr. Cooper spoke in favor of adoption of the amendment, and it was adopted.

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

Representatives R. Fisher and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5442 as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 4, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Winsley, Wood, Wynne, Zellinsky - 91.

Absent: Representatives Brekke, Sommers, H., Sprenkle, Wineberry - 04.

Excused: Representatives Locke, Roland, and Mr. Speaker - 03.

Senate Bill No. 5442 as amended by the House, having received the constitutional majority, was declared passed.

Representative Wineberry appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5450, by Senate Committee on Commerce & Labor (originally sponsored by Senators Sellar, Snyder, Matson, Moore, McMullen, McDonald and Skratek)

Concerning pasteurization in relation to licenses for the sale of beer.

The bill was read the second time.

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

Representatives Cole and Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5450, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 3, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Rust, Schmidt,

Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky - 92.

Absent: Representatives Brekke, Sommers, H., Sprengle - 03.

Excused: Representatives Locke, Roland, and Mr. Speaker - 03.

Substitute Senate Bill No. 5450, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5577, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators West and Niemi; by request of Department of Health)

Revising the responsibilities of the board of medical examiners.

The bill was read the second time.

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

Representatives Braddock and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5577, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 3, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky - 92.

Absent: Representatives Brekke, Sommers, H., Sprengle - 03.

Excused: Representatives Locke, Roland, and Mr. Speaker - 03.

Substitute Senate Bill No. 5577, having received the constitutional majority, was declared passed.

Representative Brekke appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5613, by Senate Committee on Commerce & Labor (originally sponsored by Senators Matson, Moore, McCaslin, McMullen, Snyder, Bauer, Vognild, Sutherland, Thorsness, Johnson and Hansen)

Regulating pawnbrokers and second-hand dealers.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 75th Day, March 29, 1991.)

Mr. Heavey moved adoption of the committee amendment on page 2, line 29, and spoke in favor of it. The committee amendment was adopted.

Mr. Heavey moved adoption of the committee amendment on page 8, line 12, and spoke in favor of it. The committee amendment was adopted.

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

Representatives Heavey and Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5613 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 2, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky - 93.

Absent: Representatives Sommers, H., Sprenkle - 02.

Excused: Representatives Locke, Roland, and Mr. Speaker - 03.

Substitute Senate Bill No. 5613 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of Engrossed Substitute Senate Bill No. 5624 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5645, by Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness and Williams)

Changing liability of handlers of low-level waste.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Grant and May spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5645, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 2, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky - 93.

Absent: Representatives Sommers, H., Sprenkle - 02.

Excused: Representatives Locke, Roland, and Mr. Speaker - 03.

Substitute Senate Bill No. 5645, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5762, by Senate Committee on Energy & Utilities (originally sponsored by Senators Hayner, Cantu and Thorsness)

Financing water company safety improvements.

The bill was read the second time.

Ms. Spanel moved adoption of the following amendment:

On page 2, after line 1, insert:

"the commission shall prohibit the installation of hazardous material transmission systems which may adversely affect water systems dependent upon federally designated sole-source aquifers."

POINT OF ORDER

Mr. Cooper: Mr. Speaker, I request a ruling on the scope and object of this amendment.

MOTION

Mr. Dorn moved that the House defer further consideration of Substitute Senate Bill No. 5762 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE JOINT MEMORIAL NO. 8000, by Senator Conner

Requesting that Congress extend the coastal states seaward boundaries.

The memorial was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Ms. Belcher spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8000, and the memorial passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 2, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky - 93.

Absent: Representatives Sommers, H., Sprenkle - 02.

Excused: Representatives Locke, Roland, and Mr. Speaker - 03.

Senate Joint Memorial No. 8000, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. Dellwo presiding) called the House to order.

MOTION

On motion of Mr. R. Meyers, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 2:00 p.m. The Clerk called the roll and all members were present except Representatives Miller and Pruitt. On motion of Ms. Cole, Representative Pruitt was excused. On motion of Ms. Bowman, Representative Miller was excused.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5036,
 SUBSTITUTE SENATE BILL NO. 5090,
 SENATE BILL NO. 5103,
 SUBSTITUTE SENATE BILL NO. 5106,
 SENATE BILL NO. 5219,
 SUBSTITUTE SENATE BILL NO. 5276,
 SUBSTITUTE SENATE BILL NO. 5357,
 SUBSTITUTE SENATE BILL NO. 5383,
 SUBSTITUTE SENATE BILL NO. 5796,
 SENATE JOINT MEMORIAL NO. 8009,
 SENATE JOINT RESOLUTION NO. 8203.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

On motion of Ms. Bowman, Representative McLean was excused.

MOTION

Mr. Dorn moved that the House immediately resume consideration of Substitute Senate Bill No. 5762 on the regular second reading calendar. The motion was carried. (For previous action, see today's Journal, Morning Session.)

SUBSTITUTE SENATE BILL NO. 5762, by Senate Committee on Energy & Utilities (originally sponsored by Senators Hayner, Cantu and Thorsness)

Financing water company safety improvements.

The Speaker stated the question before the House to be the Point of Order by Representative Cooper regarding the scope and object of the amendment by Representative Spanel.

SPEAKER'S RULING

The Speaker: The Speaker has examined Substitute Senate Bill No. 5762 and the amendment by Representative Spanel. Substitute Senate Bill No. 5762 deals with the financing of safety improvements by regulated water companies and the rates these companies may charge for their reserve accounts. The amendment directs the Utilities and Transportation Commission to prohibit the installation of certain hazardous materials transmission lines. The Speaker finds that the amendment is not within the scope and object of the Senate Bill. Your point is well taken.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Grant spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5762, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Winsley - 01.

Excused: Representatives McLean, Miller, Pruitt - 03.

Substitute Senate Bill No. 5762, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I meant to vote "yes" on final passage of Substitute Senate Bill No. 5762, Water Company Safety Improvements.

SHIRLEY J. WINSLEY, 28th District.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5363, by Senate Committee on Law & Justice (originally sponsored by Senators Thorsness, Rasmussen, Nelson, Newhouse, Hayner, Madsen, A. Smith, Erwin and L. Kreidler; by request of Department of Corrections)

Providing for an administrative process for legal financial obligations.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Ms. Leonard moved adoption of the committee amendment. Mr. Hargrove spoke in favor of the committee amendment, and it was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Hargrove spoke in favor of passage of the bill.

The Speaker called on Representative Spanel to preside.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5363 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives McLean, Miller, Pruitt - 03.

Engrossed Substitute Senate Bill No. 5363 as amended by the Senate, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider Substitute Senate Bill No. 5003 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5003, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators L. Smith, L. Kreidler, Conner and Snyder)

Providing penalties and remedies for a person operating an adult family home without a license.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5003, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives McLean, Miller, Pruitt - 03.

Substitute Senate Bill No. 5003, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of Second Substitute Senate Bill No. 5022 and that the bill hold its place on the second reading calendar. The motion was carried.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025, by Senate Committee on Ways & Means (originally sponsored by Senators Craswell, Owen, Bailey, L. Smith, Roach, Stratton and Oke)

Providing services for at-risk youth and their families.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Human Services.

Ms. Leonard moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Leonard spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5025 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives McLean, Miller, Pruitt - 3.

Engrossed Second Substitute Senate Bill No. 5015 as amended by the House, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5124, by Senate Committee on Ways & Means (originally sponsored by Senators Erwin, Gaspard, Amondson, Matson, Owen, Snyder, Nelson, von Reichbauer, Thorsness, Sellar, Johnson, Murray, McMullen, Bailey, Anderson and Talmadge)

Licensing private security guards.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Vance spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5124, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate,

Valle, Vance, Van Luven, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Wang - 01.

Excused: Representatives McLean, Miller, Pruitt - 03.

Second Substitute Senate Bill No. 5124, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5434, by Senators Patterson, Snyder and Hansen; by request of Utilities & Transportation Commission

Repealing certain regulatory authority over railroads.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5434, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives McLean, Miller, Pruitt - 03.

Senate Bill No. 5434, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider Substitute Senate Bill No. 5501 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5501, by Senate Committee on Environment & Natural Resources (originally sponsored by Senators Owen, Sutherland, L. Smith, Vognild, Amondson and Bauer)

Concerning license renewal for commercial salmon fishers.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 5, 1991.)

Mr. R. King moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5501 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives McLean, Miller, Pruitt - 03.

Substitute Senate Bill No. 5501 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5825, by Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Madsen, Thorsness, Erwin, Rasmussen, Oke and L. Kreidler; by request of Department of Corrections)

Restricting offenders' possession of firearms.

The bill was read the second time.

Mr. Kremen moved adoption of the following amendment:

On page 15, after line 10, insert the following:

Sec. 3. RCW 9.41.070 and 1990 c 195 s 6 are each amended to read as follows:

(1) The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his or her person within this state for four years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid

permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. Such applicant's constitutional right to bear arms shall not be denied (~~(to him)~~), unless he or she:

- (a) Is ineligible to own a pistol under the provisions of RCW 9.41.040; or
- (b) Is under twenty-one years of age; or
- (c) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or
- (d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence; or
- (e) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or
- (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d) within one year before filing an application to carry a pistol concealed on his or her person; or
- (g) Is ineligible under federal law to possess a weapon.

The license shall be revoked by the issuing authority immediately upon conviction of a crime which makes such a person ineligible to own a pistol or upon the third conviction for a violation of this chapter within five calendar years.

(2) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the ~~((license))~~ issuing authority shall:

- (a) On the first forfeiture, ~~((be revoked by the department of licensing))~~ revoke the license for one year;
- (b) On the second forfeiture, ~~((be revoked by the department of licensing))~~ revoke the license for two years;
- (c) On the third or subsequent forfeiture, ~~((be revoked by the department of licensing))~~ revoke the license for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period. The issuing authority shall notify, in writing, the department of licensing upon revocation of a license. The department of licensing shall record the revocation.

The license shall be in triplicate, in form to be prescribed by the department of licensing, and shall bear the name, address, and description, fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. The license application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license application shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's place of birth, whether the applicant is a United States citizen, and if not a citizen whether the applicant has declared the intent to become a citizen and whether he or she has been required to register with the state or federal government and any identification or registration number, if applicable. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. An applicant who is not a citizen shall provide documentation showing resident alien status and the applicant's intent to become a citizen. A person who makes a false statement regarding citizenship on the application is guilty of a misdemeanor. A person who is not a citizen of the United States, or has not declared his

or her intention to become a citizen shall meet the additional requirements of RCW 9.41.170.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing said license.

(3) The fee for the original issuance of a four-year license shall be twenty-three dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the issuance of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Twelve dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(d) Three dollars to the firearms range account in the general fund.

(4) The fee for the renewal of such license shall be fifteen dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the renewal of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund;

(b) Eight dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) Three dollars to the firearms range account in the general fund.

(5) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(6) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (4) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state wildlife fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(7) Notwithstanding the requirements of subsections (1) through (6) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

(8) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section. A civil suit may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section or chapter. The civil suit may be brought in the county in which the application was made or in Thurston county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded costs, including reasonable attorneys' fees, incurred in connection with such legal action.

Mr. Kremen spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Kremen to the title was adopted:

On page 1, line 3 of the title, after "9.94A.120" insert "and 9.41.070"

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hargrove, Padden and Kremen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5825 as amended by the House, and the bill passed the House by the following vote: Yeas - 87, Nays - 8, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Fuhrman, Hochstatter, Lisk, Morton, Nealey, Padden, Silver, Sommers, D. - 08.

Excused: Representatives McLean, Miller, Pruitt - 03.

Engrossed Substitute Senate Bill No. 5825 as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Friday, April 12, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 12, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Berozoff, Fraser, Locke, Miller, Pruitt, H. Sommers, Sprengle and Wineberry. On motion of Mr. Riley, Representatives Locke and Pruitt were excused. On motion of Mr. Vance, Representatives Berozoff and Miller were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nicholas Bacon and Shannon Ladenburg. Prayer was offer by Sister Susanne Hartung, S.P., Director of Mission Effectiveness, Sisters of Providence, Seattle.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 11, 1991

Mr. Speaker:

The Senate has passed:

	SUBSTITUTE HOUSE BILL NO. 1059,
	ENGROSSED HOUSE BILL NO. 1071,
ENGROSSED	SUBSTITUTE HOUSE BILL NO. 1088,
	SUBSTITUTE HOUSE BILL NO. 1189,
	SUBSTITUTE HOUSE BILL NO. 1208,
	HOUSE BILL NO. 1264,
	SUBSTITUTE HOUSE BILL NO. 1265,
	SUBSTITUTE HOUSE BILL NO. 1274,
ENGROSSED	SUBSTITUTE HOUSE BILL NO. 1864,
	HOUSE BILL NO. 1878,
	SUBSTITUTE HOUSE BILL NO. 1886,
	HOUSE BILL NO. 1946,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 11, 1991

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5030,
 SENATE BILL NO. 5220,
 SENATE BILL NO. 5221,
 ENGROSSED SENATE BILL NO. 5311,
 SENATE BILL NO. 5367,
 SUBSTITUTE SENATE BILL NO. 5381,
 SUBSTITUTE SENATE BILL NO. 5583,
 SENATE BILL NO. 5586,
 SENATE BILL NO. 5630,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Dorn moved that the House immediately consider Substitute Senate Bill No. 5504 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5504, by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Bailey, Rinehart, Saling, Murray, Pelz, Gaspard, Patterson, A. Smith, Sutherland and L. Smith)

Establishing student teaching centers.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery and Vance spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5504, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 4, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R.,

Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Fraser, Sommers, H., Sprenkle, Wineberry - 04.

Excused: Representatives Betrozoff, Locke, Miller, Pruitt - 04.

Substitute Senate Bill No. 5504, having received the constitutional majority, was declared passed.

Representative Fraser appeared at the bar of the House.

SECOND SUBSTITUTE SENATE BILL NO. 5568, by Senate Committee on Ways & Means (originally sponsored by Senators Roach, Stratton, Talmadge, L. Smith, Pelz, Bailey, Gaspard, Vognild, Williams, Skratek, Murray, Newhouse, McMullen, Matson, Bauer, West, L. Kreidler, A. Smith, Wojahn, Moore, Rinehart and Snyder)

Addressing hunger and nutritional problems.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 8, 1991.)

Ms. Spanel moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Leonard spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5568 as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 3, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris,

Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Sommers, H., Sprenkle, Wineberry - 03.

Excused: Representatives Betrozoff, Locke, Miller, Pruitt - 04.

Second Substitute Senate Bill No. 5568 as amended by the House, having received the constitutional majority, was declared passed.

Representative H. Sommers appeared at the bar of the House.

SENATE BILL NO. 5585, by Senators West, Stratton, McCaslin and Saling

Establishing a license to sell liquor in motels.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Heavey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5585, and the bill passed the House by the following vote: Yeas - 86, Nays - 6, Absent - 2, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Franklin, Johnson P., Nealey, Paris, Van Luven, Wang - 06.

Absent: Representatives Sprenkle, Wineberry - 02.

Excused: Representatives Betrozoff, Locke, Miller, Pruitt - 04.

Senate Bill No. 5585, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider Substitute Senate Bill No. 5116 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5116, by Senate Committee on Education (originally sponsored by Senators Murray, Bailey, Thorsness, Gaspard, A. Smith, Rinehart, Madsen, Talmadge, Bauer and Erwin; by request of Task Force on Student Transportation Safety)

Allowing school bus drivers to report violators.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, April 1, 1991.)

Mr. Peery moved adoption of the committee amendment on page 3, after line 2, and spoke in favor of it. The committee amendment was adopted.

Mr. Peery moved adoption of the committee amendment on page 3, beginning on line 3, and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendments to the title were adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5116 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 2, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Sprenkle, Wineberry - 02.

Excused: Representatives Betrozoff, Locke, Miller, Pruitt - 04.

Substitute Senate Bill No. 5116 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker (Mr. O'Brien presiding) called the House to order.

Representatives Locke, Pruitt, Sprengle and Wineberry appeared at the bar of the House.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 10, 1991

HB 1427 Prime Sponsor, Representative H. Sommers: Adopting the capital budget. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: That Substitute House Bill No. 1427 be substituted therefor, and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schmidt, Ranking Minority Member; Neher, Assistant Ranking Minority Member; Fraser; Heavey; Jacobsen; Ogden; Peery; Silver; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Beck; Brough; and Casada.

Voting nay: Representatives Beck; Braddock; Brough; and Casada.

April 12, 1991

HB 2187 Prime Sponsor, Representative O'Brien: Exempting nonprofit organization auctions from excise tax. Reported by Committee on Revenue

MAJORITY recommendation: That Substitute House Bill No. 2187 be substituted therefor, and the substitute bill do pass. Signed by Representatives Wang, Chair; Fraser, Vice Chair; Holland, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Appelwick; Brumsickle; Day; Leonard; Morris; Morton; Phillips; Rust; Silver; and Van Luven.

Excused: Representatives Belcher and Morton.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and House Bill No. 1427 was placed on the second reading calendar.

On motion of Mr. Ebersole, House Bill No. 2187 was passed to Committee on Rules for second reading.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4664, by Representatives P. Johnson, Sheldon, Brough, Ballard, Forner, Silver, Prentice, Kremen, Grant, Chandler, Rayburn, Nealey, Roland, Hargrove, May, Horn, Wood, Mitchell, Betzoff, Casada, Wynne, R. Johnson, Hochstatter, Morton, Broback, Vance, Padden, Fuhrman, Moyer, Mielke and Tate

WHEREAS, The Philippine Children's Medical Fund was founded in 1990 to assist Filipino children that have serious medical needs that are correctable only with medical treatment available in the United States; and

WHEREAS, Nelfa Manugas and Dominico "Loloy" Molina are from remote areas in the Philippines, and have medical conditions that require sophisticated medical treatment available only in the United States. These children are the pilot cases for the Philippine Children's Medical Fund; and

WHEREAS, Doctor Wayne L. Dickason has taken the medical lead on both children's cases, has committed to perform the many reconstructive surgeries on both children, and has already performed a sixteen-hour surgery, assisted by Doctor David H. Slepyan, on young Nelfa; and

WHEREAS, Reverend Dennis Caturia founded the Philippine Children's Medical Fund, organized and coordinated all of the services that have been donated to meet the children's needs, and is acting, with his wife Cindy, as the children's host family; and

WHEREAS, Providence Medical Center, St. Peter Hospital, Anesthesia Resources, Inc., Doctor Michael W. Potter, and many other people and organizations have donated their services and facilities to help Nelfa and Loloy;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Philippine Children's Medical Fund, and all the people and organizations that have contributed to it, for the outstanding services it provides; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Reverend Dennis Caturia.

Ms. P. Johnson moved adoption of the resolution. Representatives P. Johnson and Sheldon spoke in favor of the resolution.

House Resolution No. 91-4664 was adopted.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1427, by Representatives H. Sommers and Schmidt; by request of Governor Gardner

Adopting the capital budget.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 1427 was substituted for House Bill No. 1427, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1427 was read the second time.

Ms. H. Sommers moved adoption of the following amendment:

On page 9, after line 1, insert:

"(3) Capital Plan Improvements: to develop statewide capital cost standards, planning guidelines and policies, and internal rent strategies

Appropriation:

St Bldg Constr Acct \$ 282,000

Prior Biennia (Expenditures) . . \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 282,000"

Ms. H. Sommers spoke in favor of adoption of the amendment, and it was adopted.

Ms. Spanel moved adoption of the following amendment by Representatives Spanel and H. Sommers:

On page 10, after line 18, insert:

"(6) Northern State Multi-Service Center: To complete the design for and to construct a sixteen-bed evaluation and treatment facility at the Northern State Multi-Service Center to provide care for the mentally ill consistent with chapter 71.24 RCW (90-5-027)

The reappropriation in this section is subject to the following conditions and limitations:

(a) No moneys from this reappropriation may be expended for construction until the department secures a lease with a county or a group of counties for use of the facility. The lease shall provide for payment to the department for all operations and management costs associated with the facility and a space rental charge. In establishing the space rental charge, the department shall consider fair market rent or lease rates charged for comparable facilities used by regional support networks.

(b) No moneys from this reappropriation may be expended for furnishings or equipment with a useful life expectancy of less than twenty years.

Reappropriation:

St. Bldg Constr Acct \$1,700,000

Prior Biennia (Expenditures)	\$ 50,000
Future Biennia (Projected Costs) \$	0
 TOTAL	 \$1,750,000"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Ms. Spanel spoke in favor of adoption of the amendment, and it was adopted.

The Clerk read the following amendment by Representative Jacobsen:

On page 14, after line 46, insert:

"(17) Employment Security Building: To modernize elevators in the Employment Security Building (94-2-014)

Appropriation:

St. Bldg Constr Acct	\$ 891,000
 Prior Biennia (Expenditures)	 \$ 0
Future Biennia (Projected Costs) \$	0
 TOTAL	 \$ 891,000"

Renumber the remaining subsections consecutively and correct internal references accordingly.

With consent of the House, Representative Jacobsen withdrew the amendment.

Ms. Rayburn moved adoption of the following amendment:

On page 18, after line 40, insert:

"(6) Grandview Armory: To construct an armory at Grandview

Appropriation:

St. Bldg Constr Acct	\$1,602,000
General Fund-Federal	\$1,102,000
Total Appropriations	\$2,704,000
 Prior Biennia (Expenditures)	 \$ 155,000
Future Biennia (Projected Costs) \$	0
 TOTAL	 \$2,859,000"

Representatives Rayburn and Lisk spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it. The amendment was not adopted.

Mr. Nelson moved adoption of the following amendment by Representatives Nelson and Braddock:

On page 22, after line 17, strike all materials through "(e)" on page 22, line 30, and insert the following:

"(d) The department shall provide up to \$1,000,000 of the amounts provided under (a) and (c) of this subsection for technical assistance and planning grants to encourage cities and counties to develop financing plans that address unmet affordable housing needs and that increase densities consistent with transportation objectives and fair share housing requirements. Up to \$50,000 of the amount provided under this subsection is provided solely to contract with the University of Washington college of architecture for a study on various innovative design techniques that can be used to increase densities.

(e) The department shall provide up to \$15,000,000 of the amounts provided under (a) and (c) of this subsection for grant and loan requests from cities and counties required to or choosing to plan under RCW 36.70A that have adopted a housing plan. Grant and loan requests for housing assistance and affordable programs shall be for eligible organizations that develop affordable housing through increasing densities consistent with transportation objectives and fair share housing requirements. Additional consideration may be given to those that incorporate innovative design techniques.

(f)"

Representatives Nelson and H. Sommers spoke in favor of adoption of the amendment, and it was adopted.

Ms. Silver moved adoption of the following amendment:

On page 32, line 14, after "sources." insert "No expenditures shall be made from this appropriation until an environmental study has been completed that indicates the property is free of toxic substances."

Ms. Silver spoke in favor of adoption of the amendment, and Mr. Heavey spoke against it. The amendment was not adopted.

Mr. R. Johnson moved adoption of the following amendment by Representatives R. Johnson, Riley, Spanel, Haugen, Sprengle, Kremen, Wilson, Betrozoff, Roland and Franklin:

On page 32, after line 20, insert the following:

"(27) For damaged flood control projects

The appropriation in this subsection is for the repair and enhancement of flood control projects damaged by November 1990 flooding, in order to fund the local share of nonfederal matching funds required. Each county is eligible to receive up to the maximum amount of appropriation listed for that county as follows:

Chelan county	\$ 39,055
Clallam county	\$ 37,500
Grays Harbor county	\$ 7,685
Island county	\$ 1,823
King county	\$ 486,446
Kitsap county	\$ 11,732
Kittitas county	\$ 58,130
Lewis county	\$ 39,899
Pacific county	\$ 9,732
Pierce county	\$ 168,352
Skagit county	\$ 729,473
Snohomish county	\$ 562,500
Whatcom county	\$ 312,500

\$2,464,827

Appropriation:	
St Bldg Constr Acct	\$2,464,827
Prior Biennia (Expenditures) . . \$	0
Future Biennia (Projected Costs) \$	0
TOTAL	\$2,464,827"

Representatives R. Johnson, Wynne and Spanel spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it.

The Speaker stated the question before the House to be adoption of the amendment on page 32, line 20, by Representative R. Johnson and others to Substitute House Bill No. 1427.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 56; Nays - 40. The amendment was adopted.

Mr. Jacobsen moved adoption of the following amendment:
On page 32, after line 20, insert the following:
"(27) Maritime Museum: For a Maritime Museum at Pier 66 in Seattle

The appropriation in this subsection shall be matched by at least \$400,000 provided from nonstate sources for this project.

Appropriation	
St Bldg Constr Acct	\$ 200,000
Prior Biennia (Expenditures) . . \$	0
Future Biennia (Projected Costs) \$	0
TOTAL	\$ 200,000"

Mr. Jacobsen spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it. The amendment was not adopted.

Ms. P. Johnson moved adoption of the following amendment by Representatives P. Johnson, Sheldon, May, Hochstatter, Forner, Morton and Fuhrman:

On page 32, after line 20, insert the following:
"(27) Port of Bremerton: To construct a break and storm control project at the Sea Beck Community

The appropriation in this subsection shall be matched by at least \$300,000 in land value provided from nonstate sources for capital costs of this project.

Appropriation	
St Bldg Constr Acct	\$ 100,000

Prior Biennia (Expenditures) . . \$	0
Future Biennia (Projected Costs) \$	0
TOTAL	\$ 100,000"

Ms. P. Johnson spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it. The amendment was not adopted.

Mr. Zellinsky moved adoption of the following amendment by Representatives Zellinsky and Schmidt:

On page 32, after line 20, insert the following:

"(27) Keyport Naval Undersea Museum: To complete an auditorium in the museum

Appropriation	
St Bldg Constr Acct	\$ 300,000
Prior Biennia (Expenditures) . \$	500,000
Future Biennia (Projected Costs) \$	0
TOTAL	\$ 800,000"

Mr. Zellinsky spoke in favor of adoption of the amendment, and it was adopted.

Ms. Edmondson moved adoption of the following amendment by Representatives Edmondson, Chandler and Hochstatter:

On page 32, after line 20, insert:

"(27) Clear Creek Dam

The appropriation in this subsection shall be matched by at least \$2,500,000 from the United States Forest Service and \$750,000 from local, nonstate sources.

Appropriation	
St Bldg Constr Acct	\$1,700,000
Prior Biennia (Expenditures) . . \$	0
Future Biennia (Projected Costs) \$	0
TOTAL	\$1,700,000"

Ms. Edmondson spoke in favor of adoption of the amendment, and Ms. Ogden spoke against it.

Mr. Tate demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 32, after line 20, by Representative Edmondson and others to Substitute House Bill No.

1427, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 54, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Day, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Inslee, Johnson P., Lisk, May, McLean, Meyers, R., Mielke, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 42.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 54.

Excused: Representatives Betrozoff, Miller - 02.

Mr. Wynne moved adoption of the following amendment:

On page 32, after line 20, insert:

“(27) Snohomish county drainage project

The appropriation in this subsection is provided solely for Snohomish county drainage district number 6 to purchase land for flood control. The appropriation shall be matched by an equal amount from nonstate sources.

Appropriation

St Bldg Constr Acct	\$ 467,000
Prior Biennia (Expenditures) . .	\$ 0
Future Biennia (Projected Costs)	\$ 0
 TOTAL	 \$ 467,500”

Mr. Wynne spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it.

Mr. D. Sommers demanded an electric roll call vote, and the demand was sustained.

Mr. Wynne again spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 32, after line 20, by Representative Wynne to Substitute House Bill No. 1427, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 49, Absent - 2, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Haugen, Hochstatter, Holland, Horn, Johnson P., Johnson R., King, R., Kremen, Lisk, May, McLean, Mielke, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Riley,

Schmidt, Scott, Silver, Sommers, D., Sprengle, Tate, Vance, Wilson, Winsley, Wood, Wynne - 45.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cole, Cooper, Day, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Jones, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Roland, Rust, Sheldon, Sommers, H., Spanel, Valle, Van Luven, Wang, Wineberry, Zellinsky, and Mr. Speaker - 49.

Absent: Representatives Dellwo, O'Brien - 02.

Excused: Representatives Betrozoff, Miller - 02.

Ms. Casada moved adoption of the following amendment:

On page 32, after line 20, insert the following:

"(27) Meeker Mansion: For purchase of the park located adjacent to Meeker Mansion

The appropriation in this subsection shall be matched by at least \$200,000 provided from nonstate sources for this project. The match may include cash, land value, and other in-kind contributions.

Appropriation

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) . . \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000"

Representatives Casada and Tate spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it.

Mr. D. Sommers demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 32, after line 20, by Representative Casada to Substitute House Bill No. 1427, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 56, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Day, Dorn, Edmondson, Ferguson, Former, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rasmussen, Schmidt, Silver, Sommers, D., Tate, Vance, Wilson, Winsley, Wood, Wynne - 40.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dellwo, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rayburn, Riley, Roland, Rust, Scott,

Sheldon, Sommers, H., Spanel, Sprengle, Valle, Van Luven, Wang, Wineberry, Zellinsky, and Mr. Speaker - 56.

Excused: Representatives Betrozoff, Miller - 02.

The Clerk read the following amendment by Representatives Cantwell, Holland and Cole:

On page 32, after line 20, insert the following:

"(27) Infrastructure improvement project grants for student safety

The department of community development shall adopt rules establishing a grant program for infrastructure improvement projects designed to improve walking conditions and enhance the safety of students walking to and from school. The department shall consult with the transportation improvement board and the superintendent of public instruction in establishing the grant program. The rules shall provide that:

(a) Applications for improvement project funds shall be made to the department by a school district or districts in conjunction with a local government or governments and/or the department of transportation. The money for an approved improvement project grant shall be allocated to the school district or districts.

(b) Improvement project grants must be matched with funds from other sources, such as from school districts, local governments, private parties, the department of transportation, or any combination of these sources.

(c) The department shall determine the appropriate level of match required for a grant of the funds appropriated under this subsection.

Appropriation:

St Bldg Constr Acct	\$5,000,000
Prior Biennia (Expenditures) . . \$	0
Future Biennia (Projected Costs)	0
TOTAL	\$5,000,000"

With consent of the House, Representative Cantwell withdrew the amendment.

Ms. Cantwell moved adoption of the following amendment by Representatives Cantwell, Cole and Holland:

On page 32, after line 20, insert the following:

"(27) Infrastructure improvement project grants for student safety

The department of community development shall adopt rules establishing a grant program for infrastructure improvement projects designed to improve walking conditions and enhance the safety of students walking to and from school. The department shall consult with the transportation improvement board and the superintendent of public instruction in establishing the grant program. The rules shall provide that:

(a) Applications for improvement project funds shall be made to the department by a school district or districts in conjunction with a local government or governments and/or the department of transportation. The money for an

approved improvement project grant shall be allocated to the school district or districts.

(b) Improvement project grants must be matched with funds from other sources, such as from school districts, local governments, private parties, the department of transportation, or any combination of these sources.

(c) The department shall determine the appropriate level of match required for a grant of the funds appropriated under this subsection.

Appropriation:

St Bldg Constr Acct \$2,900,000

Prior Biennia (Expenditures) . . \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$2,900,000"

Representatives Cantwell and Cole spoke in favor of adoption of the amendment, and it was adopted.

Ms. Rasmussen moved adoption of the following amendment by Representatives Rasmussen and Winsley:

On page 53, line 17, strike all of subsection (9) and insert:

"(9) Pre-release facility development: to plan a pre-release facility in western Washington

Appropriation:

St Bldg Constr Acct \$ 167,000

Prior Biennia (Expenditures) . \$ 415,391

Future Biennia
(Projected Costs) \$7,374,000

TOTAL \$7,946,391"

Representatives Rasmussen, Winsley and Broback spoke in favor of adoption of the amendment, and it was adopted.

Mr. Sheldon moved adoption of the following amendment:

On page 58, line 21, after "Shelton" strike all material through line 22

Mr. Sheldon spoke in favor of adoption of the amendment, and it was adopted.

Mr. Sheldon moved adoption of the following amendment:

On page 76, line 17, after "Cove:" strike all material through line 22 and insert the following: "Renovation (91-2-008)"

Mr. Sheldon spoke in favor of adoption of the amendment, and it was adopted.

Mr. Jacobsen moved adoption of the following amendments:

On page 78, line 32, after "For" strike "a grant to" and insert "the department to contract with"

On page 78, line 37, after "by" strike "\$300,000" and insert "\$180,000"

Mr. Jacobsen spoke in favor of adoption of the amendments, and they were adopted.

Mr. Chandler moved adoption of the following amendment:

On page 79, after line 17, insert:

"(61) Olmstead State Park Interpretive Center

The appropriation in this subsection is provided solely for phase one development of an agricultural interpretive center at Olmstead State Park. The appropriation shall be matched by at least \$60,000 from nonstate sources.

Appropriation

St Bldg Constr Acct \$ 700,000

Prior Biennia (Expenditures) . . \$ 0

Future Biennia

(Projected Costs) \$ 482,000

TOTAL \$1,182,000"

Mr. Chandler spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it. The amendment was not adopted.

Mr. Brumsickle moved adoption of the following amendment by Representatives Brumsickle and Bowman:

On page 79, after line 17, insert:

"(61) Washington State International Equestrian Center

Appropriation

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) . . \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000"

Mr. Brumsickle spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it.

The Speaker called on Representative R. Meyers to preside.

The amendment was not adopted.

Mr. Hochstatter moved adoption of the following amendment by Representatives Hochstatter, Morton and Fuhrman:

On page 80, after line 28, insert

"The appropriation in this subsection shall not be used to acquire land east of the crest of the cascade mountain range exceeding one thousand acres in any one transaction."

Representatives Hochstatter, Fuhrman, Ferguson and Brough spoke in favor of adoption of the amendment, and Representatives Belcher and Inslee spoke against it.

Mr. Tate demanded an electric roll call vote, and the demand was sustained.

Mr. R. King spoke against the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 80, after line 28, by Representative Hochstatter and others to Substitute House Bill No. 1427, and the amendment was not adopted by the following vote: Yeas - 39, Nays - 57, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Grant, Hochstatter, Holland, Johnson P., Lisk, May, McLean, Mielke, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 39.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 57.

Excused: Representatives Betrozoff, Miller - 02.

Mr. Morton moved adoption of the following amendment by Representatives Morton and Fuhrman:

On page 80, after line 28, insert:

"The following projects shall be removed from the list of approved projects established under chapter 43.98A RCW: Okanogan Winter Range; Okanogan Sharptail Grouse Habitat; Okanogan Cattle Ranch; Booth Canyon."

Representatives Morton and Fuhrman spoke in favor of adoption of the amendment, and Ms. Belcher spoke against it.

Mr. D. Sommers demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 80, after line 28, by Representatives Morton and Fuhrman to Substitute House Bill No. 1427, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 49, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Day, Edmondson, Ferguson, Forner, Fuhrman, Hargrove, Hochstatter, Holland, Horn, Johnson P., King, R., Kremen, Lisk, May, McLean, Mielke, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Prince, Rayburn, Riley, Schmidt, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky - 47.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Pruitt, Rasmussen, Roland, Rust, Scott, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, and Mr. Speaker - 49.

Excused: Representatives Betrozoff, Miller - 02.

Mr. Fuhrman moved adoption of the following amendment:

On page 80, after line 28, insert:

"The following projects shall be removed from the list of approved projects established under chapter 43.98A RCW: Hatten/Tracy Rock; West Foster Creek; Coyote Canyon; Jameson Lake; Esquatzel Coulee; Trout Lake Caves; Yakima River Canyon; Colockim Inholdings; West Foster Creek; Columbia Basin Upland Wildlife."

Mr. Fuhrman spoke in favor of adoption of the amendment, and Representatives Belcher and Heavey spoke against it. The amendment was not adopted.

Mr. Morton moved adoption of the following amendment by Representatives Morton and Fuhrman:

On page 80, after line 28, insert:

"All land acquired by a state agency from this appropriation shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW."

Representatives Morton and Belcher spoke in favor of adoption of the amendment, and it was adopted.

Ms. Cantwell moved adoption of the following amendment:

On page 83, line 5, after "facility." insert "This appropriation is subject to a favorable review by the department of a proposal prepared by the port of Grays Harbor describing how this project will: (a) have a high probability of success using standard economic principles; (b) provide long-term economic benefits to the community; (c) include local participation; and (d) be consistent with the community's economic strategy and goals."

Ms. Cantwell spoke in favor of adoption of the amendment, and it was adopted.

Ms. H. Sommers moved adoption of the following amendment:

On page 83, after line 11, insert:

"(7) Economic assessment study for timber-dependent ports

The appropriation in this subsection is provided solely for the department to contract for an economic assessment study of timber-dependent ports, which are limited to the ports of Grays Harbor, Port Angeles, and Longview. The study shall include the following: (a) a review and examination of the comparative advantage of each port's geographic and regional characteristics, and the characteristics of the three-port region, focusing on current and potential markets for exports and imports; (b) identification of specific diversification opportunities for the region, including possibilities for expansion of non-log export activities and opportunities; (c) identification of actions that each port can undertake to increase and develop business opportunities compatible with regional port resources and goals; (d) recommendations for long-term strategies for the three-port region focusing on market development, facilities development, and operations and financial requirements; (e) strategies to strengthen each port's opportunities that avoid placing them in direct competition. The study shall include an analysis of recent, present, or potential competition among the ports; and (f) joint marketing strategies and joint capital facilities planning that the ports can undertake.

Appropriation

Pub Fac Const Loan Rev Acct \$ 150,000

Prior Biennia (Expenditures) . . \$ 0

Future Biennia (Projected costs) \$ 0

TOTAL \$ 150,000"

Ms. H. Sommers spoke in favor of adoption of the amendment, and it was adopted.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen and Spanel:

On page 96, line 32, after "\$200,000" strike all material through "lapse" on line 35.

Ms. Haugen spoke in favor of adoption of the amendment, and Ms. Morris spoke against it.

The Speaker resumed the Chair.

Mr. Wang spoke in favor of the amendment.

Ms. Morris demanded an electric roll call vote, and the demand was not sustained.

The amendment was adopted.

Mr. Ludwig moved adoption of the following amendment:

On page 108, after line 32, insert

"The appropriation in this section shall not be expended for consolidation of laboratory services currently being performed in the Kelso and Kennewick crime laboratories."

Representatives Ludwig and Lisk spoke in favor of adoption of the amendment, and it was adopted.

Ms. Schmidt moved adoption of the following amendment by Representatives Schmidt and R. Fisher:

On page 109, following line 19, insert:

"No more than \$41,000,000 of the appropriation contained in this subsection shall be expended for the building component, including the foundation, of the Washington state patrol headquarters facility."

Ms. Schmidt spoke in favor of adoption of the amendment, and it was adopted.

Ms. Schmidt moved adoption of the following amendment by Representatives Schmidt and R. Fisher:

On page 109, line 11, after "stall" strike "underground"

Representatives Schmidt and H. Sommers spoke in favor of adoption of the amendment, and it was adopted.

Mr. Peery moved adoption of the following amendment:

On page 112, after line 27, insert the following:

"(ii) The type and magnitude of construction-related costs that are incurred by school districts but are not currently eligible for state matching funds."

Re-number the remaining subsections consecutively

Mr. Peery spoke in favor of adoption of the amendment, and it was adopted.

Ms. H. Sommers moved adoption of the following amendment:

On page 143, after line 39, insert:

(1) Failed systems (90-2-001)

Reappropriation:

State Bldg Constr Acct \$ 331,800

Prior Biennia (Expenditures) . \$ 212,270

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 544,070

(2) Failed systems: Exterior building reseal and campus activity building settling and deck recaulk

Reappropriation:

State Bldg Constr Acct \$ 53,000

Prior Biennia (Expenditures) .	\$ 192,000
Future Biennia (Projected Costs) \$	0
TOTAL	\$ 245,000"

Reumber the remaining subsections consecutively and correct any internal references accordingly.

Ms. H. Sommers spoke in favor of adoption of the amendment, and it was adopted.

Ms. Winsley moved adoption of the following amendment by Representatives Winsley and Broback:

On page 170, after line 31, insert:

"(74) Pool Repairs (Pierce)

Appropriation:

St Bldg Constr Acct	\$ 600,000
Prior Biennia (Expenditures) ..	\$ 0
Future Biennia (Projected Costs) \$	0
TOTAL	\$ 600,000"

Ms. Winsley spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it.

Mr. D. Sommers demanded an electric roll call vote, and the demand was sustained.

Mr. Broback spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 170, after line 31, by Representatives Winsley and Broback to Substitute House Bill No. 1427, and the amendment was adopted by the following vote: Yeas - 49, Nays - 45, Absent - 2, Excused - 2.

Voting yea: Representatives Ballard, Beck, Bowman, Braddock, Broback, Brough, Brumsickle, Casada, Chandler, Day, Dellwo, Edmondson, Ferguson, Forner, Franklin, Fuhrman, Heavey, Hochstatter, Holland, Horn, Johnson P., Johnson R., Lisk, May, McLean, Mielke, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Riley, Schmidt, Scott, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wineberry, Winsley, Wood, Wynne, and Mr. Speaker - 49.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Dorn, Ebersole, Fisher, G., Fisher, R., Fraser, Grant, Hargrove, Haugen, Hine, Insee, Jacobsen, Jones, King, R., Kremen, Leonard, Locke, Ludwig, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Roland, Rust, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang - 45.

Absent: Representatives Meyers, R., Zellinsky - 02.

Excused: Representatives Betrozoff, Miller - 02.

MOTION FOR RECONSIDERATION

Mr. Heavey, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the amendment on page 170, after line 31, by Representatives Winsley and Broback to Substitute House Bill No. 1427 was adopted.

The Speaker stated the question before the House to be the motion by Mr. Heavey to immediately reconsider the vote by which the amendment on page 170, after line 31, by Representatives Winsley and Broback to Substitute House Bill No. 1427 was adopted.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 57; Nays - 39. The motion was carried.

RECONSIDERATION

The Speaker stated the question before the House to be reconsideration of the vote by which the amendment on page 170, after line 31, by Representatives Winsley and Broback to Substitute House Bill No. 1427 was adopted.

Representatives Winsley, Broback and Padden spoke in favor of the amendment.

MOTION

Mr. D. Sommers demanded an oral roll call vote.

With consent of the House, Mr. D. Sommers withdrew his motion.

Ms. H. Sommers spoke in favor of the amendment, and it was adopted.

Ms. H. Sommers moved adoption of the following amendment:

On page 173, after line 5, insert:

"(6) The Department of General Administration to purchase or lease purchase office space to house the state board for community college education staff for \$1,400,000."

Ms. H. Sommers spoke in favor of adoption of the amendment, and it was adopted.

Ms. R. Fisher moved adoption of the following amendment by Representatives R. Fisher and Schmidt:

On page 177, line 13, after "the" strike "appropriate legislative committees" and insert "house capital facilities committee, the senate ways and means committee, and the legislative transportation committee"

Ms. R. Fisher spoke in favor of adoption of the amendment, and it was adopted.

Ms. H. Sommers moved adoption of the following amendment:
 On page 180, after line 26, insert the following:

"PART 7
 1989-91 SUPPLEMENTAL BUDGET"

NEW SECTION. Sec. 60. A new section is added to chapter 12, Laws of 1989 1st ex.s. (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Thurston County master plan land acquisition
 Reappropriation Appropriation

St Bldg Constr Acct		1,600,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,600,000

Sec. 61. 1989 1st ex.s. c 12 s 397 (uncodified) is amended to read as follows:
 FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
 Washington State Agricultural Trade Center--Yakima (88-3-004)

The appropriation in this section is subject to the following conditions and limitations: Expenditures made under this appropriation shall equal seventy-five percent of the total project design and construction costs and shall not exceed \$6,500,000. The twenty-five percent of actual expenditures for design and construction costs shall be cash from nonstate sources.

	Reappropriation	Appropriation
St Bldg Constr Acct	((2,300,000))	
	<u>3,531,930</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
((4,200,000))		6,500,000
<u>2,968,070</u>		

Sec. 62. 1989 1st ex.s. c 12 s 398 (uncodified) is amended to read as follows:
 FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
 Agricultural Complex--Yakima (89-2-005)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,000,000 is provided solely for parking lot paving, lighting and landscaping.
- (2) \$1,000,000 of this appropriation is contingent on a contribution of an equal amount of funds from nonstate sources.

	Reappropriation	Appropriation
St Bldg Constr Acct	((-750,000))	2,000,000
	<u>1,448,418</u>	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
((-1,250,000))		4,000,000

551,582

Sec. 63. 1989 1st ex.s. c 12 s 605 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION

Acquisition of dredge spoils sites (83-1-001)

Reappropriation Appropriation

St Bldg Constr Acct ((2,369,430))
 789,830

Prior BienniaFuture BienniaTotal

2,420,000

((4,789,430))
3,209,830

Sec. 64. 1989 1st ex.s. c 12 s 729 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON

Energy conservation (86-4-023)

Reappropriation Appropriation

St Bldg Constr Acct ((-900,000))
 181,492

H Ed Constr Acct 300,000

Prior BienniaFuture BienniaTotal

663,566

((1,863,566))
1,145,058

Sec. 65. 1989 1st ex.s. c 12 s 733 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON

Power plant stack replacement (88-1-023)

Reappropriation Appropriation

St Bldg Constr Acct ((1,050,000))
 2,491,170

Prior BienniaFuture BienniaTotal

450,000

((1,500,000))
2,941,170

Sec. 66. 1989 1st ex.s. c 12 s 739 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON

Power plant boiler retrofit (88-4-024)

Reappropriation Appropriation

UW Bldg Acct ((2,050,000))
 91,834

Prior BienniaFuture BienniaTotal

250,000

((2,300,000))

341,834

NEW SECTION. Sec. 67. A new section is added to chapter 12, Laws of 1989 1st ex.s. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Denny Hall exterior repair (91-2-025)

	Reappropriation	Appropriation
St Bldg Constr Acct		718,508

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	718,508	718,508

NEW SECTION. Sec. 68. A new section is added to chapter 12, Laws of 1989 1st ex.s. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Power plant boiler (91-2-026)

	Reappropriation	Appropriation
St Bldg Constr Acct		516,996

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	516,996	516,996

"PART 8
SEVERABILITY AND EFFECTIVE DATE"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Ms. H. Sommers spoke in favor of adoption of the amendment, and it was adopted.

Mr. Braddock moved adoption of the following amendments:

On page 16, line 1, strike all of subsections (19) and (20)

On page 24, line 21, strike all of subsection (8)

On page 25, line 14, strike all of subsection (11)

On page 26, line 7, strike all of subsections (12) and (13)

On page 27, line 1, strike all of subsection (14)

On page 28, line 1, strike all of subsection (17)

On page 29, line 1, strike all of subsections (19) and (20)

On page 30, line 5, strike all of subsections (21) and (22)

On page 31, line 1, strike all of subsection (23)

On page 32, line 10, strike all of subsection (26)

On page 113, line 3, strike "\$98,000,000" and insert "\$160,198,000"

On page 150, beginning on line 26, strike all material on lines 24 and 25

Ms. Brough moved adoption of the following amendment by Representatives Brough, Silver and Schmidt to the amendments by Representative Braddock:

On page 1, after line 5 of the amendment, strike the remainder of the amendment and insert:

"On page 113, line 1, after "\$" strike "177,000,000" and insert "207,000,000" and on line 7, after "\$strike "625,000,000" and insert "655,000,000"

Ms. Brough spoke in favor of adoption of the amendment to the amendments, and Representatives Bowman and H. Sommers spoke against it.

Mr. Tate demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 1, after line 5, by Representative Brough and others to the amendments by Representative Braddock to Substitute House Bill No. 1427, and the amendment was not adopted by the following vote: Yeas - 38, Nays - 57, Absent - 1, Excused - 2.

Voting yea: Representatives Ballard, Beck, Broback, Brough, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Grant, Heavey, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Loven, Wilson, Winsley, Wood, Wynne - 38.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bowman, Braddock, Bray, Brekke, Brumsickle, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Hargrove, Haugen, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 57.

Absent: Representative O'Brien - 01.

Excused: Representatives Betrozoff, Miller - 02.

The Speaker stated the question before the House to be adoption of the amendments by Representative Braddock.

Representatives Braddock, Paris and Ferguson spoke in favor of the amendments, and Representatives H. Sommers, Hargrove, Ogden and Hine spoke against them. The amendments were not adopted.

The Clerk read the following amendment by Representatives Brough and Schmidt:

On page 113, line 1, after "\$" strike "177,000,000" and insert "207,000,000" and on line 7, after "\$" strike "625,000,000" and insert "655,000,000"

With consent of the House, Representative Brough withdrew the amendment.

The Clerk read the following amendment by Representatives Brough and Schmidt:

On page 16, line 1, strike all of subsection (19) ending on line 17.

Renumber the following subsections consecutively and correct internal references accordingly.

With consent of the House, Representative Brough withdrew the amendment.

With consent of the House, the following amendment by Representative H. Sommers to the title was adopted:

On page 1, line 1 of the title, after "43.168.110" insert ", 1989 1st ex.s. c 12 s 397, 1989 1st ex.s. c 12 s 398, 1989 1st ex.s. c 12 s 605, 1989 1st ex.s. c 12 s 729, 1989.1st ex.s. c 12 s 733, 1989 1st ex.s. c 12 s 739; adding new sections to chapter 12, Laws of 1989 1st ex.s.;"

The bill was ordered engrossed. On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers, Schmidt, Ebersole, Heavey, Wynne, Rasmussen and Nelson spoke in favor of passage of the bill, and Representative Brough spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1427, and the bill passed the House by the following vote:

Yeas - 86, Nays - 10, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Bowman, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Braddock, Brough, Edmondson, Fuhrman, Hochstatter, Lisk, McLean, Morton, Padden, Van Luvan - 10.

Excused: Representatives Berozoff, Miller - 02.

Engrossed Substitute House Bill No. 1427, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1850 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1850, by Representatives Wang and Holland; by request of Department of Wildlife and Office of Financial Management

Raising various hunting and fishing fees.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1850 was substituted for House Bill No. 1850, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1850 was read the second time.

Mr. Fuhrman moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The department of wildlife is facing serious budget shortfalls in the 1991-93 biennium ending June 30, 1993. The legislature finds that once again, hunters and fishers are willing to support an increase in the license fees for hunting and fishing related licenses in order to ensure adequate funding for the operations of the department, but only if the other necessary revenues also needed are provided.

Sec. 2. RCW 77.32.101 and 1985 c 464 s 2 are each amended to read as follows:

(1) A hunting and fishing license allows a resident holder to hunt and fish throughout the state. The fee for this license is ~~((twenty-four))~~ thirty dollars.

(2) A hunting license allows the holder to hunt throughout the state. The fee for this license is ~~((twelve))~~ fifteen dollars for residents and one hundred ~~((twenty-five))~~ eighty-seven dollars and fifty cents for nonresidents.

(3) A fishing license allows the holder to fish throughout the state. The fee for this license is ~~((fourteen))~~ seventeen dollars and fifty cents for residents fifteen years of age or older and under seventy years of age, three dollars for residents seventy years of age or older, and ~~((forty))~~ sixty dollars for nonresidents.

Sec. 3. RCW 77.32.161 and 1985 c 464 s 3 are each amended to read as follows:

A nonresident or resident may obtain a temporary fishing license, which allows the holder to fish throughout the state for three consecutive days. The fee for this license is ~~((seven))~~ ten dollars for residents and ~~((fourteen))~~ twenty dollars for nonresidents. The resident temporary fishing license is not valid for an eight consecutive day period beginning on the opening day of the lowland lake fishing season.

Sec. 4. RCW 77.32.191 and 1987 c 372 s 3 are each amended to read as follows:

A state trapping license allows the holder to trap fur-bearing animals throughout the state; however, a trapper may not place traps on private property without permission of the owner, lessee, or tenant where the land is improved and apparently used, or where the land is fenced or enclosed in a manner designed to exclude intruders or to indicate a property boundary line, or where notice is given by posting in a conspicuous manner. A state trapping license is void on April 1st following the date of issuance. The fee for this license is ~~((thirty))~~ thirty-seven dollars and fifty cents for residents sixteen years of age or older, ~~((twelve))~~ fifteen dollars for residents under sixteen years of age, and ~~((one))~~ two hundred ~~((fifty))~~ twenty-five dollars for nonresidents.

Sec. 5. RCW 77.32.211 and 1987 c 506 s 83 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is one hundred ~~((fifty))~~ eighty-seven dollars and fifty cents.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for profit. The fee for this license is one hundred ~~((fifty))~~ eighty-seven dollars and fifty cents.

~~(3) ((A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is one hundred fifty dollars for a resident and five hundred dollars for a nonresident.~~

(4)) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the rules adopted

pursuant to this title. The fee for this license is ~~((sixty))~~ seventy-five dollars for the first year and ~~((forty))~~ fifty dollars for each following year.

~~((5))~~ (4) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is ~~((twenty))~~ twenty-five dollars.

~~((6))~~ (5) A hunting, fishing, or field trial permit allows the holder to promote, conduct, hold, or sponsor a hunting, fishing, or field trial contest in accordance with rules of the commission. The fee for this permit is ~~((twenty))~~ twenty-five dollars.

~~((7))~~ (6) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director. The fee for this license is one hundred ~~((fifty))~~ eighty-seven dollars and fifty cents.

Sec. 6. RCW 77.32.230 and 1988 c 176 s 914 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for five years may receive upon application a state hunting and fishing license free of charge.

~~(2) ((A person seventy years of age or older who has been a resident for ten years may receive, upon application, a fishing license free of charge.~~

~~(3))~~ (3) A blind person, or a person with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

~~((4))~~ (3) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

~~((5))~~ (4) A fishing license is not required for persons under the age of fifteen.

~~((6))~~ (5) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

Sec. 7. RCW 77.32.240 and 1981 c 310 s 28 are each amended to read as follows:

A scientific permit allows the holder to collect for research or display wildlife or their nests and eggs as required in RCW 77.32.010 under conditions prescribed by the director. Before a permit is issued, the applicant shall demonstrate to the director their qualifications and establish the need for the permit. The director may require a bond of up to ~~((one))~~ ten thousand dollars to insure compliance with the permit. Permits are valid for the time specified, unless sooner revoked.

Holders of permits may exchange specimens with the approval of the director.

A permit holder who violates this section, or the conditions prescribed by the director, or engages in practices by commission or omission that are cruel or result in cruelty to animals, shall forfeit the permit and bond and shall not receive a similar permit for ~~((one))~~ five years. A second violation shall result in permanent ineligibility to hold a scientific permit. The fee for a scientific permit is ~~((ten))~~ one hundred dollars.

Sec. 8. RCW 77.32.256 and 1987 c 506 s 86 are each amended to read as follows:

The director shall by rule establish the conditions for issuance of duplicate licenses, permits, tags, stamps, and punchcards required by this chapter. The fee for a duplicate provided under this section is ~~((eight))~~ ten dollars.

Sec. 9. RCW 77.32.340 and 1990 c 84 s 5 are each amended to read as follows:
Fees for transport tags shall be as follows:

(1) The fee for a resident deer tag is ~~((fifteen))~~ eighteen dollars and seventy-five cents. The fee for a nonresident deer tag is ~~((fifty))~~ seventy-five dollars.

(2) The fee for a resident elk tag is ~~((twenty))~~ twenty-five dollars. The fee for a nonresident elk tag is one hundred fifty dollars.

(3) The fee for a resident bear tag is ~~((fifteen))~~ eighteen dollars and seventy-five cents. The fee for a nonresident bear tag is one hundred ~~((fifty))~~ eighty-seven dollars and fifty cents.

(4) The fee for a resident cougar tag is ~~((twenty))~~ twenty-five dollars. The fee for a nonresident cougar tag is ~~((three))~~ four hundred fifty dollars.

(5) The fee for a mountain goat tag is ~~((fifty))~~ sixty-two dollars and fifty cents for residents and ~~((one))~~ two hundred ~~((fifty))~~ twenty-five dollars for nonresidents. The fee shall be paid at the time of application. Applicants who are not selected for a mountain goat special season permit shall receive a refund of this fee, less five dollars.

(6) The fee for a sheep tag is ~~((seventy-five))~~ ninety-three dollars and seventy-five cents for residents and ~~((three))~~ four hundred fifty dollars for nonresidents and shall be paid at the time of application. Applicants who are not selected for a sheep special season permit shall receive a refund of this fee, less five dollars.

(7) The fee for a moose tag is one hundred ~~((fifty))~~ eighty-seven dollars and fifty cents for residents and ~~((three))~~ four hundred fifty dollars for nonresidents and shall be paid at the time of application. Applicants who are not selected for a moose special season permit shall receive a refund of this fee, less five dollars.

(8) The fee for a wild turkey tag is ~~((fifteen))~~ eighteen dollars and seventy-five cents for residents and seventy-five dollars for nonresidents.

Sec. 10. RCW 77.32.350 and 1990 c 84 s 6 are each amended to read as follows:

In addition to a basic hunting license, a supplemental license, permit, or stamp is required to hunt for quail, partridge, pheasant, or migratory waterfowl, to hunt with a raptor, or to hunt wild animals with a dog.

(1) A hound permit is required to hunt wild animals, except rabbits and hares, with a dog. The fee for this permit is ten dollars.

(2) An eastern Washington upland game bird permit is required to hunt for quail, partridge, and pheasant in eastern Washington. The fee for this permit is ~~((eight))~~ ten dollars.

(3) A western Washington upland game bird permit is required to hunt for quail, partridge, and pheasant in western Washington. The fee for this permit is ~~((fifteen))~~ thirty dollars.

(4) A falconry license is required to possess or hunt with a raptor, including seasons established exclusively for hunting in that manner. The fee for this license is thirty dollars.

(5) A migratory waterfowl stamp affixed to a basic hunting license is required for all persons sixteen years of age or older to hunt migratory waterfowl. The fee for the stamp is five dollars.

(6) The migratory waterfowl stamp shall be validated by the signature of the licensee written across the face of the stamp.

(7) The migratory waterfowl stamps required by this section expire on March 31st following the date of issuance.

(8) Funds raised by sale of the permits, licenses, and stamps required by this section shall be used solely for the benefit of the species hunted by the persons purchasing the permits, licenses, and stamps.

Sec. 11. RCW 77.32.360 and 1990 c 84 s 7 are each amended to read as follows:

(1) A steelhead catch record card is required to fish for steelhead trout. The fee for this catch record card is ~~((fifteen))~~ eighteen dollars and seventy-five cents.

(2) Persons possessing steelhead trout shall immediately validate their catch record card as provided by rule.

(3) The steelhead catch record card required under this section expires April 30th following the date of issuance.

(4) Each person who returns a steelhead catch record card to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to ~~((five))~~ six dollars and twenty-five cents towards that day's purchase of any license, permit, transport tag, catch record card, or stamp required by this chapter. This subsection does not apply to annual steelhead catch record cards for persons under the age of fifteen.

(5) Persons under the age of fifteen may purchase an annual steelhead catch record card for ~~((five))~~ six dollars and twenty-five cents. The ~~((five-dollar))~~ six-dollar and twenty-five cent catch record card entitles the holder to retain no more than five steelhead. After retaining five steelhead, a new catch record card may be purchased.

Sec. 12. RCW 77.32.370 and 1987 c 506 s 89 are each amended to read as follows:

(1) A special hunting season permit is required to hunt in each special season established under chapter 77.12 RCW.

(2) Persons may apply for special hunting season permits as provided by rule of the director.

(3) The application fee to participate in a special hunting season is ~~((two))~~ five dollars.

Sec. 13. RCW 77.32.380 and 1988 c 36 s 52 are each amended to read as follows:

Persons ~~((sixteen))~~ fifteen years of age or older who use clearly identified department lands and access facilities are required to possess a conservation license or a hunting, fishing, trapping, or free license on their person while using the facilities. The fee for this license is ~~((eight))~~ ten dollars annually.

The spouse, all children under eighteen years of age, and guests under eighteen years of age of the holder of a valid conservation license may use department lands and access facilities when accompanied by the license holder.

Youth groups may use department lands and game access facilities without possessing a conservation license when accompanied by a license holder.

The conservation license is nontransferable and must be validated by the signature of the holder. Upon request of a wildlife agent or ex officio wildlife agent a person using clearly identified department of wildlife lands shall exhibit the required license.

NEW SECTION. Sec. 14. A new section is added to chapter 77.32 RCW to read as follows:

The department shall analyze all fees for permits, licenses, stamps, and tags issued by it to ensure the appropriate fee amount is charged. This analysis shall occur at least every six years. Where appropriate, the department shall recommend to the legislature that fees be adjusted to ensure that those fees are appropriate.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991. Unless (1) new-revenue-based and general fund state appropriations totaling at least thirty-three million dollars, not including appropriations for the impact of the sustainable forestry act nor the Chelan agreement, are made to the department of wildlife in the omnibus appropriations act enacted before July 1, 1991; and (2) this act, chapter ..., Laws of 1991 (SHB 1250), and chapter ..., Laws of 1991 (SHB 1916), are referenced by bill number in the omnibus appropriations act enacted before July 1, 1991, this act shall be null and void.

Mr. Fuhrman spoke in favor of adoption of the amendment, and Representatives Wang and Day spoke against it. The amendment was not adopted.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Wang spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1850, and the bill passed the House by the following vote: Yeas - 63, Nays - 32, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Cole, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Johnson R., King, R., Leonard, Locke, Ludwig, Meyers, R., Mitchell, Moyer, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sommers, D., Spanel, Sprenkle, Wang, Wilson, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Beck, Bowman, Brumsickle, Casada, Chandler, Cooper, Edmondson, Ferguson, Fuhrman, Hargrove, Hochstatter, Horn, Johnson P., Jones, Kremen, Lisk, May, McLean, Mielke, Morris, Morton, Nealey, Neher, Padden, Sheldon, Silver, Tate, Valle, Vance, Van Luven, Wynne - 32.

Absent: Representative Sommers, H. - 01.

Excused: Representatives Betrozoff, Miller - 02.

Substitute House Bill No. 1850, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1250, by Representatives Wilson, Haugen, Fuhrman, R. King, Padden, Orr, Winsley, Paris, Broback, May, Bowman, Miller, Horn, Wood, Wynne, Betrozoff and Spanel

Funding the department of wildlife's nonconsumptive programs.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Fisheries & Wildlife as amended by Committee on Revenue. (For committee amendments, see Journal, 57th Day, March 11, 1991.)

On motion of Mr. Wang, Substitute House Bill No. 1250 was substituted for House Bill No. 1250, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1250 was read the second time.

Mr. Wang moved adoption of the committee amendment by Committee on Revenue.

Mr. Wilson moved adoption of the following amendment to the committee amendment:

On page 3, line 3, strike section 7 and insert:

"NEW SECTION. Sec 7. A new section is added to chapter 46.16 RCW to read as follows:

In addition to the fees imposed in RCW 46.16.585 for application and renewal of personalized license plates an additional fee of ten dollars shall be charged. The revenue from the additional fee shall be deposited in the state wildlife fund and used for the management of resources associated with the nonconsumptive use of wildlife."

Representatives Wilson and Wang spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Day moved adoption of the following amendment to the committee amendment by Representatives Day and Prince:

On page 3, line 22, strike all of sections 8, 9, 10, 11, and 12, and insert:

NEW SECTION. Sec. 8. A new section is added to chapter 82.08 RCW to read as follows:

(1) For the purposes of this chapter, "Outdoor recreation equipment product" means any item in the following product categories, regardless of the actual use of the product by the final consumer:

(a) Bicycles and related equipment such as helmets, tires, tubes, panniers, bags, and racks.

(b) Binoculars, telescopes, and related equipment such as tripods.

(c) Human-powered boats, canoes, kayaks, rafts, rowing shells, rowboats, dinghies, and related equipment such as paddles, oars, and helmets.

(d) Camping equipment such as sleeping bags, sleeping pads, air mattresses, coolers, ice chests, stoves, tents, and backpacks.

(e) Equestrian related equipment such as saddles, bridles, and other tack.

(f) Hang gliders and related equipment such as helmets, slings, and harnesses.

(g) Jet skis, water skis, and related equipment such as tow ropes and bindings.

(h) Climbing equipment such as mountaineering boots, rock climbing shoes, ropes, carabineers, crampons, ice axes, and helmets.

(i) Cameras, video camcorders, and related photographic products such as film, videotapes, and all photographic developing equipment and products but not including film developing.

(j) SCUBA and skin diving related equipment such as masks, fins, snorkels, weight belts, tanks, backpacks, regulators, gauges, and buoyancy control devices.

(k) Snow skis, snowshoes, snowboards, and related equipment such as ski boots, poles, bindings, and snowshoe bindings.

(l) Snowmobiles and related parts and equipment.

(m) Windsurfing boards and related equipment such as masts and sails.

(n) Wet suits, booties, hoods, gloves, dry suits, and personal flotation devices.

(o) Car racks and accessories designed to transport outdoor recreation equipment.

(2) The department of revenue shall adopt rules further defining the products in subsection (1) of this section. In defining "related equipment", the department shall include products designed to be used in conjunction with the products listed in the categories in subsection (1) of this section.

Sec. 9. Section 1, chapter 32, Laws of 1985 and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) In addition to the tax imposed in subsection (1) of this section, there is levied and there shall be collected a tax on each retail sale of an outdoor recreation product equal to five-tenths percent of the selling price.

~~(3)~~ The tax imposed under this chapter shall apply to successive retail sales of the same property.

~~((3))~~ (4) The rates provided in this section (~~(applies)~~) apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

NEW SECTION. Sec. 10. A new section is added to chapter 82.08 RCW to read as follows:

Revenue from the tax imposed in RCW 82.08.020(2) and revenue from the equivalent rate of tax under chapter 82.12 RCW shall be deposited in the state wildlife fund.

Renumber sections consecutively and correct any internal references accordingly.

Mr. Day spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Wang spoke in favor of adoption of the committee amendment as amended, and it was adopted.

Mr. Fuhrman moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that hunters and fishers finance the majority of the department of wildlife's budget, and that members of the general public are not provided a mechanism to assist in funding the department of wildlife, proportionate to their benefit from wildlife. It is the intent of the legislature to seek realistic funding mechanisms that allow the general public to assist in supporting the department of wildlife.

NEW SECTION. Sec. 2. For the purposes of sections 3 and 4 of this act, "department" means the department of wildlife and "commission" means the wildlife commission.

NEW SECTION. Sec. 3. The commission shall appoint, by October 1, 1991, a blue ribbon task force to analyze the funding base for the department of wildlife and to recommend how it can be broadened beyond the hunting and fishing license buyer. The task force shall consist of individuals that represent the commission, the department, the legislature, the environmental community, hunters, anglers, other outdoors people, retailers of outdoor recreational equipment, other business interests, and the general public. One member of the house of representatives shall be appointed by the speaker of the house of representatives, and one member of the senate shall be appointed by the president of the senate, to serve on the blue ribbon task force. The task force shall consider, at a minimum, the following funding mechanisms:

- (1) Fees for use of wildlife areas owned or managed by the department;
- (2) Fees for courses in wildlife appreciation;
- (3) The sale of wildlife art and stamps;
- (4) Active fundraising by the department; and
- (5) A dedicated wildlife lottery.

The task force shall make recommendations to the commission and to the legislature on feasible funding mechanisms. The commission shall analyze these recommendations, identify those that are feasible, identify additional funding opportunities as necessary and report its recommendations to the legislature by December 1, 1992.

NEW SECTION. Sec. 4. Task force members who are not public employees shall be reimbursed for subsistence and mileage by the department of wildlife pursuant to RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 5. A new section is added to chapter 77.12 RCW to read as follows:

The department may solicit gifts, grants, conveyances, bequests, and devises, whether real or personal property, or both, in trust or otherwise, to be directed to the department for carrying out the purposes of the department. The department may solicit contracts for work, financial and in-kind contributions, and support from private industries, interest groups, federal and state sources, and other sources.

NEW SECTION. Sec. 6. A new section is added to chapter 77.12 RCW to read as follows:

The director shall develop a plan to comply with the requirements of the Americans with Disabilities Act of 1990 (104 Stat. 327).

Sec. 7. RCW 46.16.585 and 1979 ex.s. c 136 s 51 are each amended to read as follows:

In addition to the regular registration fee, and any other fees and taxes required to be paid upon registration, the applicant shall be charged a fee of (~~thirty~~) forty dollars. In addition to the regular renewal fee, and in addition to any other fees and taxes required to be paid, the applicant for a renewal of such plates shall be charged an additional fee of (~~twenty~~) thirty dollars: PROVIDED, That any person who purchased personalized license plates containing three letters and three digits on or between the dates of August 9, 1971, and November 6, 1973, shall not be required to pay the additional annual renewal fee of (~~twenty~~) thirty dollars commencing with the year 1976. All personalized license plates must be renewed on an annual basis, regardless of whether a vehicle on which they are displayed will not be driven on public highways or may also be eligible to display permanent license plates valid for the life of such vehicle without annual renewal. Personalized license plates that are not renewed must be surrendered to the department, and failure to do so is a traffic infraction.

Sec. 8. RCW 46.16.605 and 1988 c 36 s 27 are each amended to read as follows:

All revenue derived from the fees provided for in RCW 46.16.585 shall be forwarded to the state treasurer and be deposited to the credit of the state wildlife fund to be used for the preservation, protection, perpetuation, and enhancement of nongame species of wildlife including but not limited to song birds, raptors, protected wildlife, rare and endangered wildlife, aquatic life, and specialized-habitat types, both terrestrial and aquatic, as well as all unclassified marine fish, shellfish, and marine invertebrates. At least one-third of the revenue derived from the fees provided for in RCW 46.16.585 shall be used for the preservation, protection, and management of habitat of nongame species of wildlife.

Administrative costs incurred by the department of licensing as a direct result of RCW 46.16.560 through 46.16.605 and 77.12.170 shall be appropriated by the legislature from the state wildlife fund from those funds deposited therein resulting from the sale of personalized license plates. If the actual costs incurred by the department of licensing are less than that which has been appropriated by the legislature the remainder shall revert to the state wildlife fund.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Representatives Fuhrman and Ferguson spoke in favor of adoption of the amendment, and Mr. Wang spoke against it. The amendment was not adopted.

With consent of the House, the following amendment by Representative Wilson to the committee amendment to the title was adopted:

On page 7, line 5 of the title amendment, strike "RCW 46.16.585 and 77.12.170" and insert "RCW.77.12.170; adding a new section to chapter 46.16 RCW;"

With consent of the House, the committee amendment to the title as amended was adopted.

The bill was ordered engrossed. On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wilson, Day, Cole, R. King and Wang spoke in favor of passage of the bill, and Representatives McLean, Fuhrman, Bowman, Padden, Wynne and Paris spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1250, and the bill passed the House by the following vote: Yeas - 50, Nays - 45, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Broback, Cantwell, Cole, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Fraser, Grant, Hargrove, Haugen, Hine, Inslee, Jacobsen, Johnson R., King, R., Leonard, Locke, Ludwig, Meyers, R., Moyer, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Scott, Sommers, H., Spanel, Sprengle, Wang, Wilson, Wineberry, Winsley, and Mr. Speaker - 50.

Voting nay: Representatives Ballard, Beck, Bowman, Brough, Brumsickle, Casada, Chandler, Cooper, Edmondson, Ferguson, Forner, Fuhrman, Heavey, Hochstatter, Holland, Horn, Johnson P., Jones, Kremen, Lisk, May, McLean, Mielke, Mitchell, Morris, Morton, Nealey, Neher, Padden, Paris, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Tate, Valle, Vance, Van Luven, Wood, Wynne, Zellinsky - 45.

Absent: Representative Franklin - 01.

Excused: Representatives Betrozoff, Miller - 02.

Engrossed Substitute House Bill No. 1250, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE RESOLUTION NO. 91-4672, by Representatives Jones, Wineberry, Hargrove, Riley, P. Johnson, Ferguson, Scott, Phillips, Basich, Casada, Jacobsen, Holland, Forner, Prentice, R. Johnson, Brough, Pruitt, Morris, Sheldon, Roland, Vance, Heavey, Rasmussen, Leonard, Ludwig, Cole, Fraser, R. King, Dorn, O'Brien and Dellwo

WHEREAS, Exploring for the sake of scientific curiosity and the increase of knowledge has become part of our heritage, our romance, and our projection of the destiny of our species; and

WHEREAS, Out of the vigor and valor of Spain and Mexico extensive exploration of the Pacific Northwest was begun; and

WHEREAS, The Spanish and Mexican people came as the first nonIndians to the greater Pacific Northwest between 1774 and 1795 to bravely explore, conduct important scientific studies, establish outposts, and study, understand, and peacefully trade with the native peoples; and

WHEREAS, One of the most extensive scientific explorations the world has ever known was launched by Spain in 1789, under the visionary leadership of Alejandro Malaspina sailing the *Atrevida* and the *Descubierta* for the noble purpose of knowledge, not conquest; and

WHEREAS, Malaspina's mapping expedition was concurrent with Robert Gray's trading expedition to the Northwest; and

WHEREAS, Malaspina's adventure in the Pacific Northwest rightfully stands alongside the great explorations of Columbus, Magellan, and Cook in the school textbooks of the western world, yet only a few scholars are aware of the expedition and its magnificent accomplishments and discoveries; and

WHEREAS, The Spanish Armada Real, our allies under their great Commander Galvez, fought bravely side by side with us in the cause of the American Revolution. Friendly ties were maintained during this period of time, and American commerce was allowed in Spanish territorial waters, thus cementing Spanish-American friendship. Two hundred years later that friendship is symbolized by the meeting of the Spanish naval vessel Juan Sebastian de Elcano and Washington State's tall ship, *The Lady Washington*, a replica of Captain Robert Gray's ship; and

WHEREAS, The Spanish naval vessel Juan Sebastian de Elcano and her captain and crew are visiting Port Townsend, April 13-14, 1991; and

WHEREAS, The 1992 International Maritime Bicentennial and the international exhibition, "Enlightened voyages: Malaspina and Galiano on the Northwest Coast, 1791-1792," being hosted May 4 - July 7, 1991, at the Washington State Historical Society, are testimony to the importance of the historical event and the key accomplishments Hispanics have made to the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That this internationally significant historical event, the expedition of Malaspina, be recognized by the people of Washington State; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize and commemorate the importance of the explorations and scientific discoveries made by Malaspina and the other Spanish sailors who came to the Puget Sound over two hundred years ago, the accomplishments of Mexican scientists and artists, and the over two hundred years of Hispanic contributions to the State of Washington; and

BE IT FURTHER RESOLVED, That the people of Washington State join in welcoming the Spanish ambassador to the United States, the Honorable Jaime de Ojeda; the Council General of Spain, the Honorable Cesar Gonzalez Palacios; the President of Spain '92 foundation, the Honorable Rafael Mazarrasa; and the beautiful and seaworthy ship, *Juan Sebastian de Elcano* and her Spanish crew to Port Townsend; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize and appreciate the significant contributions to this special event on the part of the Spanish Navy, Spanish national television, Canadian Navy, United States Navy,

Native American nations, the Washington State Historical Society, 1992 International Maritime Bicentennial, Americas Institute of Art, History, and Culture, Washington State Spanish Quincentennial Foundation, the esteemed Luis Fernando Esteban and Iberia Airlines, the city of Port Townsend, and Jefferson County and Jefferson County Maritime Bicentennial Committee.

Mr. Jones moved adoption of the resolution and spoke in favor of it.

House Resolution No. 91-4672 was adopted.

HOUSE RESOLUTION NO. 91-4675, by Representatives Haugen and Wilson

WHEREAS, The Whidbey Island Naval Air Station was established in Oak Harbor in 1942 to provide for the national defense; and

WHEREAS, The Naval Air Station currently employs 8,100 members of the military and 1,750 civilians; and

WHEREAS, There are 23 squadrons assigned to the base, including 13 Tactical Electronic Warfare squadrons that fly EA-6B aircraft, eight A-6E Intruder bomber squadrons, two training units for those aircraft, and several Navy and Marine Corps reserve units; and

WHEREAS, More than 2,500 military personnel from Whidbey Island Naval Air Station performed valiantly in the recent war with Iraq; and

WHEREAS, The Navy's fleet of A-6E Intruder bombers is expected to play a vital role in the United States' air defense for years to come; and

WHEREAS, The federal government has spent millions of dollars at the base to build a new hospital, a new commissary, training facilities for pilots, and a new administration building for reserve officers -- all completed within the past year; and

WHEREAS, More than half of Island County's military and civilian work force is employed at the base; and

WHEREAS, The \$273 million annual payroll of the naval air station represents nearly half of the total income of Island County; and

WHEREAS, The economy of Oak Harbor and all of Island County would be devastated by the loss of the base; and

WHEREAS, The people of Oak Harbor and Island County have supported the Whidbey Island Naval Air Station in times of war and of peace; and

WHEREAS, Secretary of Defense Richard Cheney on April 12, 1991, formally recommended the closure of Whidbey Island Naval Air Station; and

WHEREAS, A bipartisan commission appointed by the Bush administration will decide by July 15, 1991, whether to forward that recommendation to the United States Congress for implementation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington deplores the Defense Department's recommendation to close the Whidbey Island Naval Air Station and declares its support for the continued operation of the base at Oak Harbor.

Ms. Haugen moved adoption of the resolution. Representatives Haugen and Wilson spoke in favor of the resolution, and Mr. Nelson spoke against it.

House Resolution No. 91-4675 was adopted.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 11:00 a.m., Monday, April 15, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 15, 1991

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Beck, Chandler, Horn, R. Johnson, Locke, Paris, Peery, Scott and Tate. On motion of Ms. Roland, Representatives Appelwick, R. Johnson, Locke, Peery and Scott were excused. On motion of Ms. Casada, Representatives Beck, Chandler, Horn, Paris and Tate were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nicole Reis-Elbara and Elka Gallagher. Prayer was offered by The Reverend James K. Blundell, Minister of St. John's Episcopal Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 12, 1991

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1312,
HOUSE BILL NO. 1371,
HOUSE BILL NO. 1372,
HOUSE BILL NO. 1377,
HOUSE BILL NO. 1431,
HOUSE BILL NO. 1458,
HOUSE BILL NO. 1480,
SUBSTITUTE HOUSE BILL NO. 1739,
HOUSE BILL NO. 1748,
SUBSTITUTE HOUSE BILL NO. 1821,
SUBSTITUTE HOUSE BILL NO. 1861,
SUBSTITUTE HOUSE BILL NO. 1881,
HOUSE BILL NO. 1910,
SUBSTITUTE HOUSE BILL NO. 1931,
SUBSTITUTE HOUSE BILL NO. 1971,
HOUSE BILL NO. 1986,
SUBSTITUTE HOUSE BILL NO. 2005,
HOUSE BILL NO. 2082,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095,
HOUSE BILL NO. 2106,
HOUSE JOINT MEMORIAL NO. 4004,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4011,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4012,
and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 12, 1991

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5003,
SECOND SUBSTITUTE SENATE BILL NO. 5124,
SUBSTITUTE SENATE BILL NO. 5322,
SENATE BILL NO. 5391,
SENATE BILL NO. 5434,
SUBSTITUTE SENATE BILL NO. 5450,
SUBSTITUTE SENATE BILL NO. 5577,
SUBSTITUTE SENATE BILL NO. 5645,
SUBSTITUTE SENATE BILL NO. 5762,
SENATE JOINT MEMORIAL NO. 8000,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

There being no objection, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE RESOLUTION NO. 91-4667, by Representatives Ballard and McLean

WHEREAS, Since the advent of the internal combustion engine, humankind has continually challenged the frontiers of speed by producing better engines and faster cars; and

WHEREAS, The "Danny Boy" race team of Ed Tradup and Richard Thomason, from Brewster, Washington, are co-owners and drivers of this state's fastest car, and the fastest gasoline powered car in the world, the Danny Boy Streamliner; and

WHEREAS, The Danny Boy race team epitomized the spirit of resilience and perseverance by totally rebuilding the Danny Boy Streamliner after the car was destroyed in a 1989 crash; and

WHEREAS, In 1990, the Danny Boy Streamliner, driven by Ed Tradup, set the following records:

(1) World Record E/Gas streamliner, 267.354 mph at Bonneville Nationals, August 1990;

(2) World Record E/Fuel streamliner, 273.534 mph at Bonneville Nationals, August 1990; and

(3) A new World Record, at Utah Salt Flat Racers World of Speed Meet, of 290.007 mph, September 1990; and

WHEREAS, In 1990, the Danny Boy Streamliner, driven by Richard Thomason, did the following:

(1) Broke its own E/Gas streamliner record at the Bonneville National Invitational World Final Meet by recording a speed of 284.970 mph on a five-mile course; and

(2) Set a new Land Speed Authority record on a six-mile course of 299.034 mph, with a top speed of 301.400 mph, making the Danny Boy Streamliner the World's Fastest gasoline powered car ever; and

WHEREAS, Many people and organizations have supported Thomason & Tradup Racing, including Danny Boy Apples, Jim Socci Engines, Larry Carnes Racing, Gales' Body Shop, and N.W. Race Cars;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Danny Boy race team for its record-shattering accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Ed Tradup and Richard Thomason.

Mr. Ballard moved adoption of the resolution. Representatives Ballard and McLean spoke in favor of the resolution.

House Resolution No. 91-4667 was adopted.

HOUSE RESOLUTION NO. 91-4668, by Representatives Edmondson, Inslee, Rayburn, Lisk, Schmidt, Van Luven, Neher, Leonard, Horn, Chandler, Heavey, Hochstatter, Cantwell, Moyer, Bray, Prince, Prentice, Wynne, Dorn, Ballard, G. Fisher, Riley, Grant, Wilson, D. Sommers and Anderson

WHEREAS, For the sake of world peace, freedom, and justice, the one hundred nine individuals who make up the Yakima-based Marine reserve unit known as the "Bravo Company" put their plans, their careers and their lives on hold to fight aggression in the Middle East; and

WHEREAS, As part of an unprecedented international coalition in Operation Desert Storm, the Bravo Company played an integral role in achieving a stunning victory over the forces of Iraqi dictator Saddam Hussein; and

WHEREAS, The Bravo Company, assigned to the 1st Battalion of the 8th Marines, is credited with the capture of hundreds of Iraqi prisoners and with the destruction of one hundred nineteen Iraqi war vehicles, including fifty-six Soviet-made T-72 tanks issued only to Iraq's Republican Guard; and

WHEREAS, Long before hostilities ended in the Middle East, Bravo Company's fourteen tank crews made their way to Kuwait City to see the liberation of a people and to take part in establishing the rule of law over tyranny and aggression; and

WHEREAS, Through their efforts, members of the Bravo Company established themselves as heroes in the age-old struggle to forge a world blessed with the promise of peace, freedom, and respect for human rights;

NOW, THEREFORE, BE IT RESOLVED, That, with great pride, the Washington State House of Representatives honors with gratitude each of the one hundred nine members of the Bravo Company for their valiant service in the hard work of freedom; and

BE IT FURTHER RESOLVED, That members of the Washington State House of Representatives hereby join communities throughout Washington in welcoming home the friends and neighbors who so selflessly served us all as members of the Bravo Company; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to commanders of the Bravo Company, to the adjutant general of the Washington National Guard, and to the Honorable George Bush, President of the United States.

Ms. Edmondson moved adoption of the resolution. Representatives Edmondson, Inslee, Rayburn and Lisk spoke in favor of the resolution.

House Resolution No. 91-4668 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) introduced the following members of Bravo Company, 4th Tank Battalion, U.S. Marine Corps Reserve, who were seated on the rostrum: Captain Jean T. Malone, Inspector-Instructor of Bravo Company; First Sergeant Randy H. Wilcox, Inspector-Instructor Bravo Company; Lance Corporal Darren L. Mihelich; and Lance Corporal Jed C. Odenrider. Captain Malone briefly addressed the members of the House of Representatives.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Dorn moved that the House immediately consider Senate Bill No. 5004 on the regular second reading calendar. The motion was carried.

SENATE BILL NO. 5004, by Senators L. Kreidler and Nelson

Permitting certified public records from other states to be admissible evidence.

MOTION

Mr. Dorn moved that the House defer consideration of Senate Bill No. 5004 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 5678, by Senators Thorsness, Madsen, Rasmussen, Hayner, Newhouse, Erwin, A. Smith, L. Kreidler, Williams, Saling, Cantu, Sutherland, Owen, Johnson and Oke

Creating Washington national guard day.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Anderson moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5678 as amended by the House, and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Anderson, Ballard, Basich, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Insee, Jacobsen, Johnson P., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 88.

Excused: Representatives Appelwick, Beck, Chandler, Horn, Johnson R., Locke, Paris, Peery, Scott, Tate - 10.

Senate Bill No. 5678 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 1:45 p.m.

The Speaker (Mr. Ebersole presiding) called the House to order at 1:45 p.m.

Representatives Appelwick, Chandler, Horn, R. Johnson, Locke, Paris, Scott and Tate appeared at the bar of the House.

The Speaker (Mr. Ebersole presiding) declared the House to be at ease.
The Speaker (Mr. R. Meyers presiding) called the House to order.

MOTION

On motion of Ms. Roland, Representative Bray was excused.

MESSAGES FROM THE SENATE

April 15, 1991

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1355,

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 15, 1991

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5504,
SENATE BILL NO. 5585,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1231 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1231, by Representatives R. Fisher, R. Meyers, Betrozoff and Paris; by request of Office of Financial Management

Adopting the 1991-93 transportation budget.

The bill was read the second time. On motion of Ms. R. Fisher, Substitute House Bill No. 1231 was substituted for House Bill No. 1231, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1231 was read the second time.

Mr. Cooper moved adoption of the following amendment by Representatives Cooper, R. Meyers, Betrozoff and R. Fisher:

On page 2, line 6, after "5,284,864" insert "The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the highway safety fund appropriation-federal is appropriated solely for pilot projects identified by the department

of licensing and to be used in conducting an evaluation of driver education and improvement courses mandated in section 10 of this act. The commission will help conduct the study and work at the direction of the department."

Representatives Cooper and Betrozoff spoke in favor of adoption of the amendment, and it was adopted.

Mr. Cooper moved adoption of the following amendment:

On page 7, line 16, after "state." insert "The department will report by August 15, 1991, on any traffic safety improvement courses identified as potential pilot projects and will present a progress report on the study."

Mr. Cooper spoke in favor of adoption of the amendment, and it was adopted.

Ms. R. Fisher moved adoption of the following amendment by Representatives R. Fisher and Betrozoff:

On page 6, beginning on line 17, strike all material through "inequities" on page 6, line 21, and insert "Further, no policy exists as regards how counties will treat excess revenues generated from providing this service. The Washington association of counties, the Washington association of county officials, representatives of the subagents and the department of licensing, under the direction of the legislature, shall report to the legislative transportation committee by December 15, 1991, their recommendations for resolving these policy issues and inequities."

Representatives R. Fisher and Betrozoff spoke in favor of adoption of the amendment, and it was adopted.

Ms. R. Fisher moved adoption of the following amendment:

On page 8, line 22, strike "2,600,000" and insert "2,650,000" and recalculate the total

Ms. R. Fisher spoke in favor of adoption of the amendment, and it was adopted.

Ms. Schmidt moved adoption of the following amendment by Representatives Schmidt and R. Fisher:

On page 10, after line 2, insert the following:

**"NEW SECTION. Sec. 20. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Motor Vehicle Fund appropriation-state...\$112,000**

The appropriation in this section is null and void if House Bill 2140 is not enacted by September 1, 1991."

Renumber the remaining sections consecutively and correct internal references accordingly.

Ms. Schmidt spoke in favor of adoption of the amendment, and it was adopted.

Ms. R. Fisher moved adoption of the following amendment by Representatives R. Fisher and Betrozoff:

On page 15, line 2, after "is" strike "\$238,000,000" and insert "\$232,000,000"

Ms. R. Fisher spoke in favor of adoption of the amendment, and it was adopted.

Ms. Forner moved adoption of the following amendment by Representatives Forner, Mitchell, Vance and Roland:

On page 15, beginning on line 22, strike all of subsection (1)
 Renumber the following subsections consecutively.

Representatives Forner, Mitchell and Betrozoff spoke in favor of adoption of the amendment, and Ms. R. Fisher spoke against it:

Mr. D. Sommers demanded an electric roll call vote, and the demand was sustained.

Representatives Heavey and Day spoke against adoption of the amendment, and Ms. Forner again spoke in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 15, beginning on line 22, by Representative Forner and others to Substitute House Bill No. 1231, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 53, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Ballard, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Roland, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 42.

Voting nay: Representatives Anderson, Basich, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Myers, H., Nelson, O'Brien, Ogden, Orr, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 53.

Excused: Representatives Beck, Bray, Peery - 03.

Ms. Forner moved adoption of the following amendments by Representatives Forner, Moyer, Mitchell, Chandler, Casada, Padden and Hochstatter:

On page 16, line 10, after "(4)" insert "If, by October 1, 1991, the comprehensive plan required in this section has not been submitted and approved by the legislative transportation committee, no moneys may be expended after October 1, 1991, on the first avenue south bridge. Any unexpended funds from the first avenue south bridge shall be available for acceleration of the projects on SR 18 and the north-south corridor in Spokane until the legislative transportation committee has received and approved the comprehensive plan required in this section.

(5)"

On page 16, line 13, strike "(5)" and insert "(6)"

Representatives Forner, Mitchell and Moyer spoke in favor of adoption of the amendments, and Representatives R. Fisher, Heavey, O'Brien and Hine spoke against them. The amendments were not adopted.

Mr. Vance moved adoption of the following amendment by Representatives Vance, Roland, Forner and Holland:

On page 16, after line 18, insert:

"(6) It is the intent of the legislature that special category C programs will be completed as quickly as is reasonably possible and will comply with environmental protection laws with an expedited review process. The Department shall prepare legislation for introduction in 1992 which will assist in expedited review of environmental challenges to special category C programs."

Mr. Vance spoke in favor of adoption of the amendment, and Representatives R. Fisher and Heavey spoke against it. Mr. Vance again spoke in favor of the amendment. The amendment was not adopted.

Ms. Schmidt moved adoption of the following amendments by Representatives Schmidt and Mitchell:

On page 21, line 18, strike "34,970,000" and insert "33,770,000"

On page 21, line 19, strike "37,020,000" and insert "35,820,000"

On page 21, beginning on line 26, strike all of subsection (2)

Re-number remaining subsections consecutively and correct internal references accordingly.

Ms. Schmidt spoke in favor of adoption of the amendments, and they were adopted.

Mr. Cooper moved adoption of the following amendments by Representatives Cooper and R. Fisher:

On page 22, line 18, after "appropriation. \$" strike "9,540,000" and insert "12,140,000" and adjust total appropriation accordingly.

On page 23, line 1, after "(a)" strike "\$6,800,000" and insert "\$9,400,000"

Mr. Cooper spoke in favor of adoption of the amendments, and they were adopted.

Mr. Chandler moved adoption of the following amendment by Representatives Chandler and Mitchell:

On page 24, line 11, after "(5)" strike all material through "speeds;" on line 18, and insert:

"By December 15, 1991, the department of transportation, in cooperation with local units of government and Amtrak, shall submit to the legislative transportation committee a program to improve Amtrak services in Washington. Upon submittal and approval of the program recommendations by the legislative transportation committee, the department may expend up to \$10,000,000 from the transportation fund-state for program implementation. The program may include but is not limited to the following:

(a) Improvements to tracks, grade crossings, and signal systems necessary to increase operating speeds. In developing these recommendations, the department shall involve the utilities and transportation commission and other affected state and local agencies;"

Representatives Chandler and R. Fisher spoke in favor of adoption of the amendment, and it was adopted.

Mr. Betrozoff moved adoption of the following amendment by Representatives Betrozoff and Ferguson:

On page 41, after line 19, insert the following:

NEW SECTION. Sec. 60. The department of transportation shall consolidate all growth management functions within a growth management project office. This office shall cease to exist on June 30, 1995.

Renumber the remaining sections consecutively and correct internal references accordingly.

Mr. Betrozoff spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher, Betrozoff, Mitchell and Schmidt spoke in favor of passage of the bill. Ms. R. Fisher again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1231, and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Fuhrman, Padden - 02.

Excused: Representatives Beck, Bray, Peery - 03.

Engrossed Substitute House Bill No. 1231, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5288, by Senate Committee on Transportation (originally sponsored by Senators Rasmussen, Thorsness, Patterson, McMullen, Oke and Skratek)

Renaming the state portion of Interstate 90 the American Veterans Memorial Highway.

The bill was read the third time and placed on final passage.

Representatives R. Fisher, Betrozoff and Basich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5288, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Beck, Bray, Peery - 03.

Substitute Senate Bill No. 5288, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) called on Representative Appelwick to preside.

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the regular second reading calendar in the following order: Substitute Senate Bill No. 5611, Senate Bill No. 5767 and Substitute Senate Bill No. 5928. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5611, by Senate Committee on Transportation (originally sponsored by Senators Matson, Patterson, Snyder and Conner)

Studying the excise tax imposed upon car rental vehicles.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 75th Day, March 29, 1991, 1991.)

Ms. R. Fisher moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5611 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Beck, Bray, Peery - 03.

Substitute Senate Bill No. 5611 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5767, by Senators Sellar, Pelz and von Reichbauer

Permitting public utility districts to borrow from or establish credit with any financial institution.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cooper and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5767, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Berozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Beck, Bray, Peery - 03.

Senate Bill No. 5767, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5928, by Senate Committee on Ways & Means (originally sponsored by Senators Sellar, Anderson, Amondson, McDonald, Craswell, Oke, Bailey, Nelson, Hayner, L. Smith, Saling, Patterson, McCaslin and Johnson)

Prohibiting interest and penalties on delinquent 1991 taxes on personal residences owned by military personnel.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Fraser and Holland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5928, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Berozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden,

Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Beck, Bray, Peery - 03.

Substitute Senate Bill No. 5928, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5004, by Senators L. Kreidler and Nelson

Permitting certified public records from other states to be admissible evidence.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5004, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Beck, Bray, Peery - 03.

Senate Bill No. 5004, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) A budget 'is hereby adopted' and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1991, and ending June 30, 1993, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

- (a) "Fiscal year 1992" or "FY 1992" means the fiscal year ending June 30, 1992.
- (b) "Fiscal year 1993" or "FY 1993" means the fiscal year ending June 30, 1993.
- (c) "FTE" means full time equivalent.
- (d) "Lapse" or "revert" means the amount shall return to an unappropriated status.
- (e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

PART I

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation	\$	53,992,000
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NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation	\$	40,334,000
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NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation	\$	2,134,000
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NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation	\$	2,790,000
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NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Fund		
Appropriation	\$	1,249,000

The appropriation in this section is subject to the following conditions and limitations: The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation	\$	8,092,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation	\$	6,584,000
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Statute Law Committee Publications Account		
Appropriation	\$	1,627,000

TOTAL APPROPRIATION	\$	8,211,000
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NEW SECTION. Sec. 108. FOR THE REDISTRICTING COMMISSION

General Fund Appropriation	\$	888,000
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NEW SECTION. Sec. 109. FOR THE SUPREME COURT

General Fund Appropriation	\$	15,236,000
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The appropriation in this section is subject to the following conditions and limitations: \$6,507,000 is provided solely for the indigent appeals program.

NEW SECTION. Sec. 110. FOR THE LAW LIBRARY

General Fund Appropriation	\$	3,194,000
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NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 15,879,000

NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ 1,007,000

NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 24,943,000

Judicial Information System Account

Appropriation \$ 116,000

Public Safety and Education Account

Appropriation \$ 28,994,000

TOTAL APPROPRIATION \$ 54,053,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$19,789,000 of the general fund appropriation is provided solely for the superior court judges program.

(2) \$1,008,000 of the public safety and education account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1127 (superior court judges). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(3) \$50,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5072 (indigent defense task force).

(4) \$725,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5127 (foster care citizen review boards).

(5) \$1,744,000 of the public safety and education account appropriation is provided solely to install the district court information system (DISCIS) at forty-two district court sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdictions.

(6) \$8,238,000 of the public safety and education account appropriation is provided solely to continue the treatment alternative to street crimes program (TASC) in Pierce, Snohomish, Clark, King, Spokane and Yakima counties.

NEW SECTION. Sec. 114. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation \$ 7,037,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$186,000 is provided solely for mansion maintenance.

(2) \$500,000 is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

NEW SECTION. Sec. 115. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 250,000

NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 524,000

NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation \$ 1,759,000

The appropriation in this section is subject to the following conditions and limitations: \$25,000 is provided solely to implement Substitute Senate Bill No. 5149 (reporting gratuities). If the bill is not enacted by June 30, 1991, this amount shall be used to implement a system to track gratuities received by elected officials and others required to report under the public disclosure laws.

NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 8,296,000

Archives and Records Management Account

Appropriation	\$	3,621,000
Savings Recovery Account		
Appropriation	\$	569,000
TOTAL APPROPRIATION	\$	12,486,000

(1) \$809,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$2,723,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$251,000 of the general fund appropriation is provided solely to implement Senate Bill No. 5906 (address disclosure).

NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation	\$	318,000
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NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation	\$	366,000
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NEW SECTION. Sec. 121. FOR THE STATE TREASURER		
Motor Vehicle Account Appropriation	\$	44,000
State Treasurer's Service Fund Appropriation	\$	8,954,000
TOTAL APPROPRIATION	\$	8,998,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall conduct a study of the feasibility of assuming the function as the state's fiscal agent in the payment of principal and interest on state debt.

NEW SECTION. Sec. 122. FOR THE STATE AUDITOR

General Fund Appropriation	\$	593,000
Motor Vehicle Fund Appropriation	\$	238,000
Municipal Revolving Fund Appropriation	\$	21,138,000
Auditing Services Revolving Fund		
Appropriation	\$	11,023,000
TOTAL APPROPRIATION	\$	32,992,000

The appropriations in this section are subject to the following conditions and limitations: \$2,255,000 of the municipal revolving fund appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5121 (local government whistleblowers). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation	\$	82,000
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NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL

General Fund Appropriation--State	\$	6,902,000
General Fund Appropriation--Federal	\$	1,589,000
Legal Services Revolving Fund Appropriation	\$	89,929,000
Motor Vehicle Fund Appropriation	\$	725,000
Public Safety and Education Account		
Appropriation	\$	2,136,000
New Motor Vehicle Arbitration Account		
Appropriation	\$	1,740,000
TOTAL APPROPRIATION	\$	103,021,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5882 (criminal profiteering litigation).

(2) \$400,000 of the public safety and education account is provided solely for grants to local governments for the operating expenses of crime stoppers programs to increase public awareness and assistance in solving crime. The attorney general shall seek a geographic distribution of the grants under this subsection and may require matching funds from the local government. No more than eight percent of the money expended under this subsection may be used by the attorney general for administrative expenses.

(3) \$1,736,000 of the public safety and education account appropriation is provided solely for the attorney general's criminal litigation unit.

NEW SECTION. Sec. 125. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation \$ 862,000

NEW SECTION. Sec. 126. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation--State \$ 11,963,000

General Fund Appropriation--Federal \$ 101,000

Motor Vehicle Fund Appropriation \$ 102,000

Public Safety and Education Account

Appropriation \$ 290,000

Savings Recovery Account Appropriation \$ 8,716,000

TOTAL APPROPRIATION \$ 21,172,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public safety and education account appropriation is provided solely for jail population data collection pursuant to RCW 10.98.130.

(2) The office of financial management and the department of personnel shall jointly reconcile the two agencies' lists of authorized FTE positions for each agency under the jurisdiction of the department of personnel. The two agencies shall jointly submit the reconciled lists to the legislative fiscal committees by September 1, 1991.

NEW SECTION. Sec. 127. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund

Appropriation \$ 11,566,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund

Appropriation \$ 15,430,000

The appropriation in this section is subject to the following conditions and limitations: The office of financial management and the department of personnel shall jointly reconcile the two agencies' lists of authorized FTE positions for each agency under the jurisdiction of the department of personnel. The two agencies shall jointly submit the reconciled lists to the legislative fiscal committees by September 1, 1991.

NEW SECTION. Sec. 129. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation \$ 345,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the administration of a state employee salary reduction plan for dependent care assistance.

NEW SECTION. Sec. 130. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation \$ 18,174,000

NEW SECTION. Sec. 131. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation \$ 394,000

NEW SECTION. Sec. 132. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund

Appropriation	\$ 856,000
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NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

General Fund Appropriation	\$ 20,000,000
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Special Retirement Contribution

Increase Revolving Fund Appropriation	\$ 6,782,000
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Department of Retirement Systems Expense Fund

Appropriation	\$ 26,155,000
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TOTAL APPROPRIATION	\$ 52,937,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,403,000 of the department of retirement systems expense fund appropriation is provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 902 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Support of member database, support of audit, audit of member files.

(2) The general fund appropriation and the special retirement contribution increase revolving fund appropriation are provided solely to fund cost-of-living adjustments by reducing, from sixty-five to sixty, the age at which the retirement allowance adjustment is made under RCW 41.32.575 and 41.40.325.

NEW SECTION. Sec. 134. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account

Appropriation	\$ 2,858,000
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The appropriation in this section is subject to the following conditions and limitations: \$50,000 is provided solely to implement Senate Bill No. 5954 (state funds investment return) and for an executive director search.

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$ 89,659,000
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Timber Tax Distribution Account

Appropriation	\$ 4,209,000
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State Toxics Control Account Appropriation	\$ 90,000
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Solid Waste Management Account

Appropriation	\$ 82,000
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Pollution Liability Reinsurance Trust Account

Appropriation	\$ 226,000
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Vehicle Tire Recycling Account Appropriation	\$ 122,000
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Motor Vehicle Emissions Account

Appropriation	\$ 42,000
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Oil/Hazardous Substance Cleanup Account

Appropriation	\$ 27,000
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TOTAL APPROPRIATION	\$ 94,457,000
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The appropriations in this section are subject to the following conditions and limitations: \$4,862,000 of the general fund appropriation is provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 902 of this act. For the purposes of this section, "information systems project" means the project known by the following names or successor names: Taxpayer account integration management project.

NEW SECTION. Sec. 136. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$ 1,621,000
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NEW SECTION. Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation	\$ 2,210,000
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NEW SECTION. Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION
 General Fund Appropriation \$ 49,000

NEW SECTION. Sec. 139. FOR THE OFFICE OF MINORITY AND WOMEN'S
 BUSINESS ENTERPRISES

General Fund Appropriation \$ 2,291,000

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL
 ADMINISTRATION

General Fund Appropriation--State \$ 5,788,000

General Fund Appropriation--Federal \$ 1,649,000

General Fund Appropriation--Private/Local \$ 272,000

Risk Management Account Appropriation \$ 1,296,000

Motor Transport Account Appropriation \$ 10,706,000

General Administration Facilities and Services
 Revolving Fund Appropriation \$ 20,454,000

Central Stores Revolving Account
 Appropriation \$ 4,710,000

Air Pollution Central Account Appropriation \$ 111,000

TOTAL APPROPRIATION \$ 44,986,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$111,000 of the air pollution control account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1028 (air pollution control). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(2) \$555,000 of the central stores revolving account appropriation is provided solely to implement Second Substitute Senate Bill No. 5143 (purchasing recycled goods). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(3) \$3,454,000 of the central stores revolving account appropriation is provided solely for the purchasing and contract administration activities of the office of state procurement, division of purchasing, as provided in RCW 43.19.1923.

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF INFORMATION
 SERVICES

General Fund Appropriation \$ 428,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$428,000 is provided solely to complete the video telecommunications demonstration project begun by the department during the 1989-91 biennium.

(2) The department may provide feasibility study reviews and other services formerly provided by the department's planning and policy division. Fees shall be charged for these services and paid to the department through interagency reimbursement.

NEW SECTION. Sec. 142. FOR THE PRESIDENTIAL ELECTORS
 General Fund Appropriation \$ 1,000

NEW SECTION. Sec. 143. FOR THE INSURANCE COMMISSIONER
 Insurance Commissioner's Regulatory Account
 Appropriation \$ 13,979,000

NEW SECTION. Sec. 144. FOR THE BOARD OF ACCOUNTANCY
 General Fund Appropriation \$ 522,000

Certified Public Accountant Examination Account
 Appropriation \$ 638,000

TOTAL APPROPRIATION \$ 1,160,000

NEW SECTION. Sec. 145. FOR THE DEATH INVESTIGATION COUNCIL
 Death Investigations Account Appropriation \$ 12,000

NEW SECTION. Sec. 146. FOR THE PROFESSIONAL ATHLETIC
 COMMISSION

General Fund Appropriation	\$	144,000
<u>NEW SECTION.</u> Sec. 147. FOR THE HORSE RACING COMMISSION		
Horse Racing Commission Fund Appropriation	\$	4,706,000
<u>NEW SECTION.</u> Sec. 148. FOR THE LIQUOR CONTROL BOARD		
Liquor Revolving Fund Appropriation	\$	105,529,000

The appropriation in this section is subject to the following conditions and limitations: \$2,847,000 is provided solely to implement Senate Bill No. 5560 (cigarette tax enforcement). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

<u>NEW SECTION.</u> Sec. 149. FOR THE UTILITIES AND TRANSPORTATION COMMISSION		
Public Service Revolving Fund Appropriation	\$	28,410,000
Grade Crossing Protective Fund Appropriation	\$	320,000
TOTAL APPROPRIATION	\$	28,730,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$221,000 of the public service revolving fund appropriation is provided solely to implement Engrossed Substitute House Bill No. 2031 (low-level radioactive waste sites). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(2) \$120,000 of the public service revolving fund appropriation is provided solely to increase consumer affairs staff.

(3) \$50,000 of the public service revolving fund appropriation is provided solely to determine the feasibility of compressed natural gas refueling stations for motor vehicles pursuant to Engrossed Substitute House Bill No. 1028. If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 150. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS

Volunteer Fire Fighters' Relief and Pension		
Administrative Fund Appropriation	\$	364,000
<u>NEW SECTION.</u> Sec. 151. FOR THE MILITARY DEPARTMENT		
General Fund Appropriation--State	\$	9,365,000
General Fund Appropriation--Federal	\$	7,582,000
General Fund Appropriation--Private/Local	\$	180,000
TOTAL APPROPRIATION	\$	17,127,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation is provided to the public affairs office for headquarters STARC, Camp Murray, Washington air national guard solely for the purpose of a publication to assist in the recruitment and retention of the Washington national guard.

NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	2,104,000
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PART II

HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1991. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, except maternal and child health block grant moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

(4) From federal funds received by the department of social and health services, the department shall allot sufficient amounts to provide federally funded employees with salary and benefit increases equivalent to the increases provided in this act for classified state employees under the jurisdiction of the state personnel board.

(5) Appropriations contained in sections 202 through 214 of this part are provided to implement Engrossed Substitute Senate Bill No. 5540 (infectious disease immunizations).

(6)(a) The department, pursuant to its authority under RCW 43.20B.020, shall adopt a schedule of fees, based on the recipient's ability to pay, to be charged during the 1991-93 fiscal biennium for the following services: (i) Involuntary commitment under chapter 71.05 RCW; (ii) inpatient mental health services for minors under chapter 71.34 RCW; (iii) senior citizen services under chapter 74.38 RCW; and (iv) family reconciliation services under chapter 13.32A RCW. In adopting the fee schedules, the department may provide to each family a one-time one hundred dollar exemption to encourage early access to services.

(b) \$737,000 of the general fund--state appropriation to the division of revenue collections is provided solely for the administration and collection of the fees imposed pursuant to this subsection. \$470,000 of the general fund--state appropriation to the community services administration program is provided solely to annually determine financial responsibility of households affected by the fee schedules adopted under this subsection. If the fees are not imposed under (a) of this subsection, the amounts provided in this subsection shall lapse.

(7) The department shall not enter into any contracts or require the expenditure of any funds provided in this act which would permit the transfer of any property currently on the grounds of Western state hospital to Pierce county or any other entity without direct and specific authorization from the legislature.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation--State	\$	260,396,000
General Fund Appropriation--Federal	\$	171,887,000
General Fund Appropriation--Local	\$	1,628,000
Drug Enforcement and Education Account		
Appropriation	\$	4,000,000
Public Safety and Education Account		
Appropriation	\$	400,000
TOTAL APPROPRIATION	\$	438,311,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$110,000 of the general fund--state appropriation is provided solely for volunteers of America of Spokane's crosswalk project.

(2) \$3,300,000 of the general fund--state appropriation is provided solely for direct services provided by four existing continuum of care projects.

(3) At least \$800,000 of the general fund--state appropriation shall be spent on community-based family support centers. Of this amount, \$500,000 is provided solely to establish new centers in communities adversely affected by reductions in the federal timber harvest and related industry dislocation. Grants shall be administered and evaluated by the council for the prevention of child abuse and neglect.

(4) \$1,366,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5025 (youth and family services) subject to the following conditions and limitations:

(a) \$150,000 of this amount is provided solely for an evaluation of family reconciliation services pursuant to section 1 of Engrossed Second Substitute Senate Bill No. 5025 (youth and family services).

(b) \$650,000 is provided solely to expand family reconciliation services.

(c) \$256,000 is provided solely to expand homebuilder services to Whatcom county on July 1, 1992.

(d) \$10,000 is provided solely for production of a video program about state laws and services that pertain to at-risk youth, pursuant to section 4 of Engrossed Substitute Senate Bill No. 5025 (youth and family services).

(e) \$300,000 is provided solely for transfer through interagency agreement to the department of community development for juvenile court proceedings that pertain to the involuntary commitment to treatment of a minor who is addicted to drugs or alcohol.

(5) Appropriations in this section derived from the \$34,643,000 federal child care block grant and title IV-A grants are subject to the following conditions and limitations:

(a) \$20,046,000 of this amount shall be block-granted to communities for locally designated child care services. Grants shall be administered and evaluated by the state child care-resource and referral network, which shall consult with the state child care coordinating council. Distribution of this money shall take into account the number of infants and children up to age 13 and the incidence of poverty in each community whose boundary, for the purpose of block grant awards, shall be defined by the resource and referral network.

(b) \$4,609,000 of this amount is provided solely to increase child care slots for low-income families served by the department.

(c) \$2,600,000 of this amount is provided solely for transfer through interagency agreement to the department of community development to provide child care for homeless parents pursuant to Substitute Senate Bill No. 5653 (homeless parents/child care).

(d) \$2,170,000 of this amount is provided solely for transfer by interagency agreement to the department of community development for early childhood education programs.

(e) \$2,000,000 of this amount is provided solely for transfer by interagency agreement to the state board for community college education for child care for federally designated target populations.

(f) \$1,700,000 of this amount is provided solely for child care resource and referral services pursuant to Substitute Senate Bill No. 5580 (child care resource/referral). Of this amount, at least \$400,000 shall be spent to establish resource and referral agencies in unserved communities.

(g) \$1,250,000 of this amount shall be deposited in the child care facility revolving fund for loans or grants to assist persons, businesses, or organizations to start or operate a licensed child care facility to the extent permitted by federal law, pursuant to Substitute Senate Bill No. 5583 (child care facility fund).

(h) A maximum of \$268,000 of this amount may be spent to meet federal registration, data collection, evaluation, or reporting requirements or for child care licensing and regulation activity. Of this amount, \$100,000 shall be transferred by interagency agreement to the department of health.

(6) The general fund--local appropriation represents fee revenue generated from the family reconciliation services program pursuant to section 201 of this act.

(7) The department shall not continue adoption support payments under RCW 74.13.109 beyond the age of eighteen years.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation--State	\$	56,266,000
General Fund Appropriation--Federal	\$	135,000
Drug Enforcement and Education Account		
Appropriation	\$	1,762,000
TOTAL APPROPRIATION	\$	58,163,000

(2) INSTITUTIONAL SERVICES

General Fund Appropriation--State	\$	54,760,000
General Fund Appropriation--Federal	\$	876,000
Drug Enforcement and Education Account		
Appropriation	\$	928,000
TOTAL APPROPRIATION	\$	56,564,000

(3) PROGRAM SUPPORT

General Fund Appropriation	\$	3,466,000
Drug Enforcement and Education Account		
Appropriation	\$	342,000
TOTAL APPROPRIATION	\$	3,808,000

The appropriations in this subsection are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5167 (juvenile justice task force).

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation--State	\$	73,806,000
General Fund Appropriation--Federal	\$	107,600,000
General Fund Appropriation--Local	\$	3,720,000
TOTAL APPROPRIATION	\$	185,126,000

The appropriations in this subsection are subject to the following conditions and limitations: \$362,000 of the general fund--local appropriation represents fee revenue generated from the involuntary treatment, acute residential, and children's acute inpatient programs pursuant to section 201 of this act.

(2) REGIONAL SUPPORT NETWORKS

General Fund Appropriation	\$	150,709,000
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The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$26,200,000 of the general fund--state appropriation is provided solely to enhance funding for regional support networks. Of this amount, \$7,200,000 is provided to implement Second Substitute Senate Bill No. 5667 (mental health evaluation/treatment access), and \$600,000 is provided solely to enroll Grays Harbor county in the regional support network program in January 1992. The balance of the funds is provided solely to expand mental health service capacity in a manner to be determined by the regional support networks. However, community services that will reduce the populations of the state hospitals shall have first priority for these funds.

(b) \$2,500,000 of the general fund--state appropriation is provided solely to enroll an additional four counties in the regional support network program by January 1993.

(3) INSTITUTIONAL SERVICES

General Fund Appropriation--State	\$	233,370,000
General Fund Appropriation--Federal	\$	14,046,000
TOTAL APPROPRIATION	\$	247,416,000

(4) CIVIL COMMITMENT

General Fund Appropriation	\$	3,912,000
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(5) PROGRAM SUPPORT

General Fund Appropriation--State	\$	5,653,000
General Fund Appropriation--Federal	\$	1,971,000
TOTAL APPROPRIATION	\$	7,624,000

(6) SPECIAL PROJECTS

General Fund Appropriation--State	\$	1,794,000
General Fund Appropriation--Federal	\$	2,877,000
TOTAL APPROPRIATION	\$	4,671,000

NEW SECTION. Sec. 205. FOR THE REGIONAL SUPPORT NETWORK INFORMATION SYSTEM RESERVE ACCOUNT

\$3,500,000 is appropriated from the general fund to the regional support network information system reserve account which is hereby created in the state treasury. This appropriation represents the costs to develop and operate the regional support network information system, a utilization assessment system to track the use and outcome of specific mental health services provided to each of the clients of the regional support networks. It is the intent of the legislature to appropriate these funds in the 1992 supplemental appropriations act upon receipt and approval of the feasibility study for the regional support network information system.

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation--State	\$	205,338,000
General Fund Appropriation--Federal	\$	113,464,000
TOTAL APPROPRIATION	\$	318,802,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$12,100,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5780 (transitional services). This funding is to provide employment programs to recent high school graduates who are developmentally disabled.

(b) \$4,200,000 of the general fund--state appropriation is provided solely to expand the family support services program.

(c) \$12,100,000 of the general fund--state appropriation and \$10,200,000 of the general fund--federal appropriation are provided solely to move one hundred forty-seven residents from the residential habilitation center to appropriate placements in the community.

(2) RESIDENTIAL HABILITATION SERVICES

General Fund Appropriation--State	\$	136,912,000
General Fund Appropriation--Federal	\$	155,372,000
TOTAL APPROPRIATION	\$	292,284,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$15,400,000 of the general fund--state appropriation and \$6,900,000 of the general fund--federal appropriation are provided to increase staff levels at the residential

habilitation centers to maintain certification in the federal ICF/MR program, excepting the Interlake school.

(b) \$10,700,000 of the general fund--state appropriation is provided to assume the federal government's share of the cost to operate the Interlake school. This action will result in the withdrawal of the Interlake school from the federal ICF/MR program. The division of developmental disabilities shall convene an advisory committee of treatment professionals and parents or guardians of the residents of the Interlake school to assure high quality care for these residents after withdrawal from the federal program.

(3) PROGRAM SUPPORT

General Fund Appropriation--State	\$	5,490,000
General Fund Appropriation--Federal	\$	647,000
TOTAL APPROPRIATION	\$	6,137,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--LONG-TERM CARE SERVICES

General Fund Appropriation--State	\$	544,939,000
General Fund Appropriation--Federal	\$	649,850,000
General Fund Appropriation--Local	\$	959,000
TOTAL APPROPRIATION	\$	1,195,748,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.9 percent on July 1, 1991, and 3.1 percent on July 1, 1992.

(2) At least \$16,686,400 of the general fund--state appropriation shall initially be allotted for implementation of the senior citizens services act. However, \$1,290,300 of this amount shall be used solely for programs that use volunteer workers for the provision of services to persons whose need for services is not being met by the chore services program.

(3) \$714,000 of the general fund--state appropriation is provided for new and expanded volunteer chore services.

(4) The general fund--local appropriation represents fee revenue generated from the senior citizens services program pursuant to section 201 of this act.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund Appropriation--State	\$	527,092,000
General Fund Appropriation--Federal	\$	625,541,000
TOTAL APPROPRIATION	\$	1,152,633,000

The appropriations in this section are subject to the following conditions and limitations: Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$200,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$55	71	86	102	117	133	154	170

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund Appropriation--State	\$	35,204,000
General Fund Appropriation--Federal	\$	41,642,000
Drug Enforcement and Education Account		
Appropriation--State	\$	44,629,000
TOTAL APPROPRIATION	\$	121,475,000

The appropriations in this section are subject to the following conditions and limitations: \$1,200,000 of the general fund--federal appropriation is provided solely to implement the information technology platform of the division of alcohol and substance abuse. The authority to expend this amount is conditioned on compliance with section 902 of this act.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation--State	\$	976,663,000
General Fund Appropriation--Federal	\$	1,026,273,000
TOTAL APPROPRIATION	\$	2,002,936,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue variable ratable reductions for the medically indigent and general assistance--unemployable programs in effect November 1, 1988.

(2) After July 1, 1991, the department shall not include chiropractic services in medical assistance coverage for adults.

(3) The department shall continue disproportionate share payments and vendor payment advances to Harborview medical center. It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund Appropriation--State	\$	17,907,000
General Fund Appropriation--Federal	\$	55,641,000
TOTAL APPROPRIATION	\$	73,548,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund--state appropriation is provided solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with significant disabilities. Any agreement for the use of a portion of this appropriation shall require that an amount equal to at least one-half of that portion be contributed from nonstate sources for the same purpose. The department shall audit the nonprofit organization during the biennium to ensure that the organization has secured the required matching funds.

(2) \$1,040,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5458 (regional service centers for the deaf). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund Appropriation--State	\$	52,686,000
General Fund Appropriation--Federal	\$	37,381,000
Industrial Insurance Premium Refund Account		
Appropriation	\$	80,000
TOTAL APPROPRIATION	\$	90,147,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund--state appropriation is provided solely to mitigate the impact of state institutions on local communities in the manner provided under RCW 72.72.030(1).

(2) \$6,500,000 of the general fund--state appropriation may be expended for the implementation of the automated client eligibility system (ACES) only after:

- (a) The ACES advanced planning document for implementation is approved by the federal government;
 - (b) The ACES request for proposals for implementation is completed;
 - (c) The department complies with Senate Bill No. and section 902 of this act;
- and
- (d) The March 28, 1991, recommendations of the information services board are implemented.

If expenditures are made during fiscal year 1992 in compliance with this subsection, it is the intent of the legislature to appropriate to the department an equivalent sum in the 1992 supplemental appropriations act as replacement of the sums expended under this subsection.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation--State	\$	210,956,000
General Fund Appropriation--Federal	\$	252,772,000
TOTAL APPROPRIATION	\$	463,728,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$800,000 of the general fund--state appropriation is provided solely to expand refugee services.
- (2) \$1,000,000 of the general fund--state appropriation is provided solely for services to communities adversely affected by reduction in federal timber harvests or related industry dislocation.
- (3) \$435,000 is provided solely for transfer by interagency agreement to the University of Washington to continue the evaluation of the maternity care access program pursuant to RCW 74.09.415. Overhead on the research contract shall continue at the 1989-91 level.

(4) \$636,600 of the general fund--state appropriation and \$1,181,400 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(5) \$1,000,000 of the general fund--state appropriation and \$1,000,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the Washington state institute for public policy to continue to conduct a longitudinal study of public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM

General Fund Appropriation--State	\$	37,169,000
General Fund Appropriation--Federal	\$	91,987,000
General Fund Appropriation--Local	\$	280,000
Public Safety and Education Account Appropriation	\$	15,000,000
TOTAL APPROPRIATION	\$	144,436,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,000,000 from the public safety and education account appropriation is provided solely to contract with county prosecuting attorneys to provide paternity establishment services.

(2) The appropriations in this section provide specific funding to implement sections 4 and 7 of Engrossed Second Substitute Senate Bill No. 5120 (child support schedule).

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund Appropriation--State	\$	32,213,000
General Fund Appropriation--Federal	\$	11,211,000
TOTAL APPROPRIATION	\$	43,424,000

NEW SECTION. Sec. 216. FOR THE WASHINGTON STATE HEALTH CARE

AUTHORITY

State Employees Insurance Administrative Account

Appropriation	\$	7,259,000
General Fund Appropriation--State	\$	2,206,000
TOTAL APPROPRIATION	\$	9,465,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$281,000 of the state employees insurance administrative account appropriation and \$1,980,000 of the general fund--state appropriation are provided solely to implement the recommendations of the health care purchasing study concerning the use of diagnostic-related groups for hospital care, the implementation of a resource-based relative value scale for physicians' fees, and new prescription drug policies.

(2) \$226,000 of the general fund--state appropriation is provided solely for the operations of the health care commission.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation--State	\$	97,424,000
General Fund Appropriation--Federal	\$	153,195,000
General Fund Appropriation--Private/Local	\$	1,363,000
Public Safety and Education Account		
Appropriation	\$	9,532,000
Building Code Council Account Appropriation	\$	837,000
Public Works Assistance Account Appropriation	\$	994,000
Fire Service Training Account Appropriation	\$	770,000
State Toxics Control Account Appropriation	\$	556,000
Drug Enforcement and Education Account		
Appropriation	\$	4,188,000
Low Income Weatherization Account		
Appropriation	\$	2,562,000
Washington Housing Trust Fund Appropriation	\$	13,484,000
TOTAL APPROPRIATION	\$	284,905,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,330,000 of the general fund--state appropriation and \$2,500,000 of the general fund--federal appropriation are provided solely for the early childhood education and assistance program. A quality improvement pool is established. The pool shall be available through application and shall be used solely for transportation systems expansions needed in order to serve more children where the usual methods of attaining transportation, such as through the public school system, have reached capacity or are unsafe; for facility improvements and renovations; for start-up grants to build capacity in communities; and for one-time equipment purchases. The pool shall not exceed \$1,500,000.

(2) \$3,800,000 of the general fund--state appropriation is provided solely to implement section 201 of Second Substitute Senate Bill No. 5568 (hunger and nutritional programs). These funds may be used to purchase food for people with special nutritional needs.

(3) \$1,000,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5830 (gang risk intervention).

(4) \$20,000 of the general fund--state appropriation is provided solely for the Seattle children's museum.

(5) \$300,000 of the general fund--state appropriation is provided solely for continued support of the Washington state games.

(6) \$200,000 of the general fund--state appropriation is provided solely to continue assistance to Okanogan county to address impacts associated with tourism developments.

(7) \$1,000,000 of the general fund--state appropriation is provided solely to implement sections 36 through 40 of Engrossed Substitute Senate Bill No. 5555 (mortgage assistance in timber-impacted areas). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(8) \$970,000 of the general fund--state appropriation is provided solely to implement section 50 of Engrossed Substitute Senate Bill No. 5555 (community assistance program in timber-impacted areas).

(9) \$46,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5143 (recycled products). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(10) \$4,000,000 of the public safety and education account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1378 (indigent civil legal services).

(11) \$1,000,000 of the general fund--state appropriation is provided solely to implement Senate Bill No. 5091 (Yakima county jail).

(12) \$500,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5581 (community partnership program).

(13) \$40,000 of the general fund--state appropriation is provided solely for continuation of the circuit rider program, which provides technical and managerial assistance to cities and counties.

(14) \$763,000 of the general fund--state appropriation is provided solely for the local development matching fund program. The total amount provided shall be distributed to economically distressed areas as defined in RCW 43.168.020.

(15) \$7,955,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed as follows:

(a) \$4,400,000 to local units of government to continue existing local drug task forces;

(b) \$730,000 to the department of community development to expand the state-wide drug prosecution assistance program;

(c) \$535,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of expanding existing domestic violence advocacy programs, to provide legal and other assistance to victims and witnesses in court proceedings, and to establish new domestic violence advocacy programs;

(d) \$150,000 to the Washington state patrol for coordination of local drug task forces;

(e) \$180,000 to the department of community development for general administration of the grant;

(f) \$120,000 to the Washington state patrol for the clandestine drug lab unit. The patrol shall coordinate activities related to the unit with the department of ecology to ensure maximum effectiveness of the program;

(g) \$580,000 to units of local government for urban projects;

(h) \$170,000 to the department of community development for a state-wide drug offense indigent defense program;

(i) \$440,000 to the department of community development for drug education programs in the common schools. The department shall direct the fund to education programs that employ either local law enforcement officers or state patrol troopers;

- (j) \$50,000 to the Washington state patrol for data management;
- (k) \$225,000 to the Washington state patrol for a technical support unit; and
- (l) \$375,000 to the Washington state patrol for support of law enforcement task forces.

(16) The departments shall not reduce grants or contracts in assistance of units of government unless the reduction is specifically identified in the legislative budget notes.

(17) \$25,000 of the general fund--state appropriation is provided solely for a contract with an organization representing persons with disabilities. Under the contract, the organization shall provide legal advocacy to ensure that the state, as trustee, is fully complying with the fiduciary duties owed to persons with disabilities, pursuant to trusts established under state and federal law.

NEW SECTION. Sec. 218. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation--State	\$ 3,890,000
General Fund Appropriation--Federal	\$ 930,000
General Fund Appropriation--Private/Local	\$ 520,000
TOTAL APPROPRIATION	\$ 5,340,000

NEW SECTION. Sec. 219. FOR THE BOARD OF INDUSTRIAL INSURANCE

APPEALS

Public Safety and Education Account	
Appropriation	\$ 110,000
Worker and Community Right-to-Know Account	
Appropriation	\$ 20,000
Accident Fund Appropriation	\$ 7,843,000
Medical Aid Fund Appropriation	\$ 7,843,000
TOTAL APPROPRIATION	\$ 15,816,000

NEW SECTION. Sec. 220. FOR THE CRIMINAL JUSTICE TRAINING

COMMISSION

General Fund Appropriation--State	\$ 66,000
Death Investigations Account Appropriation	\$ 36,000
Public Safety and Education Account	
Appropriation	\$ 12,056,000
Drug Enforcement and Education Account	
Appropriation	\$ 370,000
TOTAL APPROPRIATION	\$ 12,528,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5125 (private detectives licensing). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(2) \$33,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5124 (security guards licensing). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(3) \$40,000 of the public safety and education account appropriation is provided solely for the criminal justice training commission to provide training sessions to law enforcement officers, county prosecuting attorneys, public defenders, and sexual assault victim advocates on the investigation and prosecution of sexual assault offenses. The training shall be an integrated approach to sexual assault cases so that law enforcement, prosecutors, defenders, and victim advocates can benefit from the training.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$ 11,115,000
Public Safety and Education Account Appropriation--	
State	\$ 18,780,000

Public Safety and Education Account Appropriation--

Federal	\$	3,740,000
Accident Fund Appropriation	\$	126,477,000
Electrical License Fund Appropriation	\$	14,841,000
Farm Labor Revolving Account Appropriation	\$	30,000
Medical Aid Fund Appropriation	\$	143,998,000
Plumbing Certificate Fund Appropriation	\$	596,000
Pressure Systems Safety Fund Appropriation	\$	1,811,000
Worker and Community Right-to-Know Fund Appropriation	\$	2,060,000
TOTAL APPROPRIATION	\$	323,448,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,320,229 from the accident fund appropriation; \$4,615,063 from the medical aid fund appropriation; \$378,556 from the general fund--state appropriation; \$714,163 from the electrical license fund appropriation; \$41,139 from the plumbing certificate fund appropriation; \$92,956 from the pressure systems safety fund appropriation; \$317 from the public safety and education account appropriation; and \$12,448 from the worker and community right-to-know fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 902 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document imaging, state fund information system, and safety and health information management system.

(2) \$50,000 of the accident fund appropriation and \$50,000 of the medical aid fund appropriation are provided solely to implement Substitute Senate Bill No. 5374 (labor/management cooperative program).

NEW SECTION. Sec. 222. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$	3,260,000
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NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation--State	\$	21,539,000
General Fund Appropriation--Federal	\$	6,708,000
General Fund Appropriation--Local	\$	10,367,000
TOTAL APPROPRIATION	\$	38,614,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2095 (post-traumatic stress disorder counseling).

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF HEALTH

General Fund Appropriation--State	\$	123,105,000
General Fund Appropriation--Federal	\$	108,954,000
General Fund Appropriation--Local	\$	15,167,000
Hospital Commission Account Appropriation	\$	2,260,000
Medical Disciplinary Account Appropriation	\$	1,594,000
Health Professions Account Appropriation	\$	23,206,000
Public Safety and Education Account Appropriation	\$	90,000
Safe Drinking Water Account Appropriation	\$	871,000
State Toxics Control Account Appropriation	\$	2,970,000
Drug Enforcement and Education Account Appropriation	\$	492,000

Water Quality Account Appropriation	\$	734,000
Medical Test Site Licensure Account		
Appropriation	\$	488,000
TOTAL APPROPRIATION	\$	279,931,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$27,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5358 (water interties). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(2) \$81,000 of the general fund--state appropriation and \$871,000 from the safe drinking water account appropriation are provided solely to implement Substitute House Bill No. 1709 (drinking water system permit). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(3) \$270,000 of the general fund--state appropriation is provided solely for implementation of RCW 43.20.230 and related conservation of water resource activities.

(4) \$3,800,000 of the general fund--state appropriation and \$2,500,000 of the general fund--federal appropriation are provided solely for enhancement of the women, infants and children nutritional program pursuant to section 101 of Second Substitute Senate Bill No. 5568 (hunger/nutritional problems).

(5) \$600,000 of the general fund--state appropriation is provided solely for community-based outreach programs to promote health and prevent illness and injury among high-risk pregnant and parenting women pursuant to Substitute Senate Bill No. 5650 (community outreach/health).

(6) \$150,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5782 (rural health care services). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(7) \$400,000 of the general fund--state appropriation is provided solely for transfer through interagency agreement to Washington State University's area health education center in Spokane.

(8) \$685,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5236 (HIV testing/sex offenders). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(9) Appropriations in this section are provided to implement Engrossed Substitute Senate Bill No. 5540 (infectious disease immunization).

(10) Appropriations in this section are provided to implement Substitute Senate Bill No. 5792 (chiropractic peer review).

(11) Within appropriated funds, the department shall develop and administer challenge exams for midwives seeking licensure under RCW 18.50.040 (3).

(12) Available funding for each regional AIDS service network shall be allocated as follows:

(a) Seventy-five percent of the amount provided for regional AIDS service networks shall be allocated per capita based on the number of persons residing within each region. This amount shall be expended for testing, counseling, education, case management, notification of sexual partners of infected persons, planning, coordination, and other services required by law, except for mandatory testing and/or counseling services for certain individuals, as required by law.

(b) Twenty-five percent of the amount provided for regional AIDS service networks shall be allocated for intervention strategies specifically addressing groups that are at a high risk of being infected with the human immunodeficiency virus. The allocation shall be made by the office on AIDS based on documented need.

(13) \$800,000 of the general fund--local appropriation represents revenue generated by fees charged for vital records pursuant to RCW 70.58.107.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY CORRECTIONS

General Fund Appropriation	\$	103,904,000
Drug Enforcement and Education Account Appropriation	\$	7,594,000
Public Safety and Education Account Appropriation	\$	200,000
TOTAL APPROPRIATION	\$	111,698,000

The appropriations in this subsection are limited to the following conditions and limitations:

(a) \$200,000 from the public safety and education account appropriation is provided solely for comprehensive local criminal justice planning under the county partnership program pursuant to RCW 72.09.300.

(b) \$75,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5128 (witness notification).

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	350,610,000
Drug Enforcement and Education Account Appropriation	\$	25,823,000
TOTAL APPROPRIATION	\$	376,433,000

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	38,241,000
Drug Enforcement and Education Account Appropriation	\$	2,126,000
Industrial Insurance Premium Refund--State	\$	72,000
TOTAL APPROPRIATION	\$	40,439,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund appropriation is provided solely for an additional affirmative action officer.

(b) \$350,000 of the general fund appropriation is provided solely to mitigate the impact of state institutions on local communities in the manner provided under RCW 72.72.030(2).

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation	\$	3,512,000
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NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund Appropriation--State	\$	2,804,000
General Fund Appropriation--Federal	\$	7,810,000
TOTAL APPROPRIATION	\$	10,614,000

NEW SECTION. Sec. 227. FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$	42,774,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The basic health plan may enroll up to 22,000 members during the 1991-93 biennium.

(2) \$3,877,000 of the general fund appropriation is provided solely to expand enrollment in communities adversely affected by reductions in federal timber harvest and related industry dislocation pursuant to sections 20 through 23 of Engrossed Substitute Senate Bill No. 5555 (timber assistance). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 228. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation \$ 626,000

NEW SECTION. Sec. 229. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation--State \$ 30,000

General Fund Appropriation--Federal \$ 132,704,000

General Fund Appropriation--Local \$ 9,081,000

Administrative Contingency Fund Appropriation--
Federal \$ 11,305,000

Unemployment Compensation Administration Fund
Appropriation--Federal \$ 128,310,000

Employment Service Administration Account
Appropriation--Federal \$ 8,467,000

TOTAL APPROPRIATION \$ 289,897,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$70,000 of the administrative contingency fund--federal appropriation is provided solely for transfer to the department of community development to implement section 52 of Engrossed Substitute Senate Bill No. 5555 (reemployment support for timber-impacted areas).

(2) \$948,000 of the administrative contingency fund--federal appropriation and \$330,000 of the unemployment compensation administration account--federal appropriation are provided solely to implement section 17 of Engrossed Substitute Senate Bill No. 5555 (unemployment insurance extension for timber-impacted areas).

(3) \$1,000,000 of the administrative contingency fund--federal appropriation is provided solely to implement sections 11 through 16 of Engrossed Substitute Senate Bill No. 5555 (countercyclical program for timber-impacted areas). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(4) \$25,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 51 of Engrossed Substitute Senate Bill No. 5555 (message service for timber areas).

(5) \$500,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 10 of Engrossed Substitute Senate Bill No. 5555 (self-employment enterprise development program for timber areas).

PART III

NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund Appropriation--State \$ 1,038,000

General Fund Appropriation--Federal \$ 20,433,000

General Fund Appropriation--Private/Local \$ 4,926,000

Geothermal Account Appropriation--Federal \$ 40,000

Building Code Council Account Appropriation \$ 86,000

Air Pollution Control Account Appropriation \$ 6,711,000

Energy Code Training Account Appropriation \$ 120,000

Energy Efficiency Services Account Appropriation \$ 1,008,000

TOTAL APPROPRIATION \$ 34,362,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire air pollution control account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1028 (air pollution control). If the bill is not enacted by June 30, 1991, the air pollution control account appropriation shall lapse.

(2) \$250,000 of the general fund--state appropriation and all of the energy efficiency services account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1022 or Senate Bill No. 5245 (state energy policy development). If neither bill is enacted by June 30, 1991, the general fund--state amount provided in this subsection and the entire energy efficiency services account appropriation shall lapse.

(3) Within the appropriations in this section, the state energy office shall convene a school bus compressed natural gas fuel advisory committee. The committee shall be chaired by the director of the state energy office or a designee and the following persons shall be invited to be members: The superintendent of public instruction or a designee; the director of the department of ecology or a designee; two members of the house of representatives, one from each caucus, appointed by the speaker of the house; two members of the senate, one from each caucus, appointed by the president of the senate; two members representing school districts appointed by the director of the state energy office, and one member representing a natural gas local distribution company. The state energy office shall, with the guidance of the advisory committee, analyze and report on the potential benefits, costs, and safety risks associated with increasing the use of compressed natural gas as fuel for school buses. The report shall address: (a) The anticipated operation and maintenance costs of compressed natural gas school buses in comparison to diesel fuel and gasoline school buses; (b) factors affecting the safety of passengers, drivers, mechanics, and other persons using compressed natural gas school buses in comparison to diesel fuel and gasoline school buses; (c) capital costs, including: (i) The availability and capital cost of purchasing new compressed natural gas school buses, (ii) the feasibility and capital cost of retrofitting diesel and gasoline school buses, and (iii) capital costs associated with fuel storage and refueling; and (d) other considerations, including air quality benefits, needed to determine the total costs, problems, and benefits of increasing the use of compressed natural gas as a fuel for school buses. The report shall also evaluate all of the preceding factors as they relate to the use of propane as a fuel for school buses. The state energy office shall submit a report to the appropriations and environmental affairs committees of the house of representatives and the ways and means and environment and natural resources committees of the senate by December 1, 1991, and the school bus compressed natural gas fuel advisory committee shall terminate as of that date.

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation--State	\$	552,000
General Fund Appropriation--Private/Local	\$	552,000
TOTAL APPROPRIATION	\$	1,104,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation--State	\$	57,250,000
General Fund Appropriation--Federal	\$	38,260,000
General Fund Appropriation--Private/Local	\$	911,000
Flood Control Assistance Account Appropriation	\$	3,960,000
Special Grass Seed Burning Research Account		
Appropriation	\$	132,000
Reclamation Revolving Account Appropriation	\$	493,000
Emergency Water Project Revolving Account		
Appropriation: Appropriated pursuant to		
chapter 1, Laws of 1977 ex. sess.	\$	300,000
Litter Control Account Appropriation	\$	6,795,000
State and Local Improvements Revolving Account--		
Waste Disposal Facilities: Appropriated		
pursuant to chapter 127, Laws of 1972		
ex. sess. (Referendum 26)	\$	2,206,000

State and Local Improvements Revolving Account-- Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$.	1,112,000
State and Local Improvements Revolving Account-- Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	874,000
Stream Gaging Basic Data Fund Appropriation	\$	300,000
Vehicle Tire Recycling Account Appropriation	\$	7,756,000
Water Quality Account Appropriation	\$	3,741,000
Wood Stove Education Account Appropriation	\$	1,307,000
Worker and Community Right-to-Know Fund Appropriation	\$	335,000
State Toxics Control Account--State	\$	40,842,000
State Toxics Control Account--Federal	\$	7,508,000
Local Toxics Control Account	\$	2,933,000
Water Quality Permit Account Appropriation	\$	14,532,000
Solid Waste Management Account Appropriation	\$	7,578,000
Underground Storage Tank Account Appropriation	\$	3,343,000
Hazardous Waste Assistance Account Appropriation	\$	5,137,000
Air Pollution Control Account Appropriation	\$	6,358,000
Air Operating Permit Account Appropriation	\$	1,594,000
Oil/Spill Administration Account Appropriation	\$	6,246,000
TOTAL APPROPRIATION	\$	221,803,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,540,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan.

(2) If Engrossed Substitute House Bill No. 1028 (air pollution control) is not enacted by June 30, 1991, \$573,000 of the general fund--state appropriation shall lapse.

(3) If Engrossed Substitute House Bill No. 1028 (air pollution control) is not enacted by June 30, 1991, the air pollution control account appropriation and the air operating permit account appropriation shall lapse and the woodstove education account appropriation shall be reduced by \$611,000.

(4) \$484,000 of the general fund--state appropriation and \$2,301,756 of the water quality permit account appropriation are provided solely to carry out the recommendations of the commission on efficiency and ability in government concerning the wastewater discharge permit program.

(5) A maximum of \$325,000 of the general--state appropriation is provided solely for water resource management and conservation activities.

(6) \$100,000 of the general fund--state appropriation is provided solely as state matching funds for the Columbia basin irrigation project.

(7) \$286,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5358 (water system interties). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(8) \$139,000 of the solid waste management account appropriation is provided solely to implement Senate Bill No. 5143 (recycled products procurement). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(9) \$30,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5428 (Pacific Ocean resources management). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(10) \$150,000 of the general fund--state appropriation is provided solely to implement House Bill No. 2021 (joint water resource policy committee).

(11) The entire oil/hazardous substance cleanup account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1027 (oil/hazardous substances). If the bill is not enacted by June 30, 1991, the appropriation shall lapse.

(12) No funds appropriated in this section may be expended for imposing and administering numeric chlorinated organics limits (except for dioxin) in wastewater discharge permits for pulp and paper mills prior to the time the federal environmental protection agency issues effluent guidelines addressing appropriate numeric limits. The department of ecology may establish an advisory committee to consider whether federal effluent guidelines, when issued, for pulp and paper mills should be modified on a case-by-case basis considering unique economic or environmental factors. However, such modifications shall conform to federal guidelines.

(13) The entire water quality permit account appropriation is provided solely for the department to administer the wastewater discharge permit program pursuant to Engrossed Second Substitute Senate Bill No. 5534 or Substitute House Bill No. 1649. If neither bill is enacted by June 30, 1991, the water quality permit account appropriation shall lapse.

NEW SECTION. Sec. 304. FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Pollution Liability Insurance Program Trust Account

Appropriation	\$ 872,000
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NEW SECTION. Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation--State	\$ 39,775,000
General Fund Appropriation--Federal	\$ 1,683,000
General Fund Appropriation--Private/Local	\$ 965,000
Trust Land Purchase Account Appropriation	\$ 13,799,000
Winter Recreation Parking Account Appropriation	\$ 814,000
ORV (Off-Road Vehicle) Account Appropriation	\$ 204,000
Snowmobile Account Appropriation	\$ 1,236,000
Millersylvania State Park--Private/Local	\$ 9,000
Public Safety and Education Account	
Appropriation	\$ 50,000
Motor Vehicle Fund Appropriation	\$ 1,100,000
Water Quality Account Appropriation	\$ 58,000
Oil Spill Administration Account Appropriation	\$ 62,000
TOTAL APPROPRIATION	\$ 59,755,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$644,000 of the trust land purchase account appropriation is provided solely to repair damage to state parks facilities caused by storms which occurred in November and December, 1990, and January, 1991.

(2) The entire water quality account appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) The entire oil spill administration account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1027 (oil spills prevention and response). If the bill is not enacted by June 30, 1991, the appropriation shall lapse.

NEW SECTION. Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account Appropriation--State	\$ 2,123,000
Outdoor Recreation Account Appropriation--	
Federal	\$ 32,000
Firearms Range Account Appropriation--State	\$ 44,000

TOTAL APPROPRIATION	\$	2,199,000
<u>NEW SECTION. Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE</u>		
General Fund Appropriation	\$	1,174,000

The appropriation in this section is subject to the following conditions and limitations: Funds are provided for an additional administrative law judge.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	33,393,000
Motor Vehicle Fund Appropriation	\$	552,000
Solid Waste Management Account Appropriation	\$	308,000
Public Facility Construction Loan Revolving Fund Appropriation	\$	398,000

TOTAL APPROPRIATION

\$ 34,651,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the general fund--state appropriation is provided solely to promote value-added manufacturing in timber-impacted areas of the state.

(2) \$1,500,000 of the general fund--state appropriation is provided solely to implement sections 1 through 10 of Engrossed Substitute Senate Bill No. 5555 (economic development in timber-dependent communities).

(3) \$1,700,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5639 (Pacific Northwest export assistance center). If neither Substitute Senate Bill No. 5639 nor sections 24 through 32 of Engrossed Substitute Senate Bill No. 5555 (aid to timber-dependent communities) are enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(4) The department of trade and economic development shall establish a fee for referral services provided by the business assistance center hotline. The fee shall be sufficient to maintain the referral services on a self-sustaining basis. No general fund--state moneys may be expended in operating the hotline.

(5) It is the intent of the legislature that the department shall continue to provide grants of at least current 1989-91 level amounts to associate development organizations located in counties of classes three through eight. Counties of all other classes shall match state funds with at least an equal amount of local funds, which shall be used to offset a reduction of the current state contribution.

(6) \$9,195,000 of the general fund--state appropriation is provided solely for the Washington high technology center.

(7) The department of trade and economic development shall establish a schedule of fees for services performed by the department's overseas trade offices. The fee schedule shall generate revenue of at least \$1,032,000 during the 1991-93 biennium, which shall be deposited in the general fund.

(8) The department shall not reduce grants or contracts in assistance of units of local government unless the reduction is specifically identified in the legislative budget notes.

NEW SECTION. Sec. 309. FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	1,948,000
Water Quality Account Appropriation	\$	540,000
TOTAL APPROPRIATION	\$	2,488,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the water quality account appropriation is provided solely to implement the Puget Sound water quality management plan, which may include grants to conservation districts for basic operations. Of the remaining water quality account

appropriation administered by the commission, not more than eight percent may be used for administration and program activities related to the grant and loan program.

(2) \$650,000 of the general fund appropriation is provided solely for increased basic operation grants to conservation districts.

NEW SECTION. Sec. 310. FOR THE WINTER RECREATION COMMISSION
General Fund Appropriation \$ 20,000

NEW SECTION. Sec. 311. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund Appropriation--State	\$ 2,533,000
General Fund Appropriation--Federal	\$ 202,000
Water Quality Account Appropriation	\$ 1,154,000
Aquatic Lands Enhancement Account Appropriation	\$ 33,000
State Toxics Control Account Appropriation	\$ 3,000
TOTAL APPROPRIATION	\$ 3,925,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire aquatic lands enhancement account appropriation is provided solely for the authority's activities regarding the recreational shellfish and shellfish public involvement elements of the Puget Sound water quality management plan.

(2) The entire state toxics account appropriation is provided solely for the contaminated sediment element of the Puget Sound water quality management plan.

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation--State	\$ 59,694,000
General Fund Appropriation--Federal	\$ 17,649,000
General Fund Appropriation--Private/Local	\$ 8,048,000
Aquatic Lands Enhancement Account Appropriation	\$ 1,070,000
Water Quality Account Appropriation	\$ 50,000
Oil Spill Administration Account Appropriation	\$ 409,000
TOTAL APPROPRIATION	\$ 86,920,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$130,000 of the general fund--state appropriation is provided solely for improvements to and monitoring of wastewater discharges from state salmon hatcheries.

(2) \$1,050,000 of the general fund--state appropriation is provided solely for attorney general cost, on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission, in defending the state and public interest in tribal shellfish litigation (U.S. v. Washington, subproceeding 89-3). The attorney general cost shall be paid as an interagency reimbursement.

(3) The water quality account appropriation is provided solely for the implementation of the Puget Sound water quality management plan.

(4) \$1,085,000 of the general fund--state appropriation is provided solely for increased coho salmon production through pen-rearing, delay release methods.

(5) The oil spill administration account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1027 (oil/hazardous substances). If the bill is not enacted by June 30, 1991, the appropriation shall lapse.

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation	\$ 13,017,000
ORV (Off-Road Vehicle) Account Appropriation	\$ 266,000
Aquatic Lands Enhancement Account Appropriation	\$ 1,066,000
Public Safety and Education Account	

Appropriation	\$	590,000
Wildlife Fund Appropriation--State	\$	38,310,000
Wildlife Fund Appropriation--Federal	\$	16,282,000
Wildlife Fund Appropriation--Private/Local	\$	2,072,000
Game Special Wildlife Account Appropriation	\$	516,000
Oil Spill Administration Account Appropriation	\$	540,000
TOTAL APPROPRIATION	\$	72,659,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund appropriation and \$250,000 of the wildlife fund--state appropriation are provided solely for a cooperative effort with the department of agriculture for the control and eradication of purple loosestrife, including surveys, research, and public education.

(2) \$106,000 of the general fund appropriation is provided solely for improvements to and monitoring of wastewater discharges from state game fish hatcheries.

(3) \$770,000 of the wildlife fund--state appropriation is provided solely for the operation of the game farm program, as provided in Engrossed Second Substitute Senate Bill No. 5753 (upland game bird enhancement). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(4) \$514,145 of the general fund appropriation is provided solely for the implementation of the Puget Sound water quality management plan.

(5) The entire oil spill administration account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1027 (oil/hazardous substances). If the bill is not enacted by June 30, 1991, the appropriation shall lapse.

(6) \$1,300,000 of the general fund appropriation and \$1,300,000 of the wildlife fund--state appropriation are provided solely for wildlife enforcement staff. Wildlife enforcement FTE staff levels shall not be reduced below the fiscal year 1992 average FTE staff level.

(7) \$25,000 of the general fund appropriation and \$25,000 of the wildlife fund--state appropriation are provided solely for a demonstration project to develop a wildlife mitigation plan for private and public lands in the Lake Roosevelt area. The department shall create a steering committee consisting of representatives of local private landowners, local government, tribes, hunters, fishers, and other users of wildlife in the Lake Roosevelt area. The committee shall study and report to the department on issues related to the development of the Lake Roosevelt plan including, but not limited to, local government impact, wildlife species, needs of wildlife users, other recreational needs, land use regulations, and wildlife supply.

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation--State	\$	55,461,000
General Fund Appropriation--Federal	\$	604,000
General Fund Appropriation--Private/Local	\$	12,000
ORV (Off-Road Vehicle) Account Appropriation	\$	3,949,000
Forest Development Account Appropriation	\$	25,122,000
Survey and Maps Account Appropriation	\$	993,000
Natural Resources Conservation Area Stewardship		
Account Appropriation	\$	882,000
Aquatic Lands Enhancement Account		
Appropriation	\$	970,000
Resource Management Cost Account		
Appropriation	\$	71,069,000
Aquatic Land Dredged Material Disposal Site		
Account Appropriation	\$	778,000

State Toxics Control Account Appropriation	\$	756,000
State Litter Control Account Appropriation	\$	500,000
Oil Spill Administration Account Appropriation	\$	35,000
Air Pollution Control Account Appropriation	\$	198,000
TOTAL APPROPRIATION	\$	161,329,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,285,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$1,710,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(3) \$1,470,000 of the general fund--state appropriation is provided solely for the development of a forest practices data management system.

(4) \$2,444,000 of the general fund--state appropriation is provided solely for workload increase in the forest practices subprogram.

(5) \$50,000 of the general fund--state appropriation is provided solely for agency activities related to enforcement of the federal log export ban.

(6) \$450,000 from the resource management cost account is provided solely for the control and eradication of Spartina.

(7) \$163,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for a timber supply study. The study shall identify the quantity of timber present now and quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(8) \$1,000,000 of the general fund--state appropriation and \$1,000,000 of the resource management cost account appropriation is provided solely to implement sections 11 through 16 of Engrossed Substitute Senate Bill No. 5555 (countercyclical program for timber-impacted areas). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(9) The entire oil spill administration account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1027 (oil spills prevention and response). If the bill is not enacted by June 30, 1991, the appropriation shall lapse.

(10) The entire air pollution control account appropriation is provided to implement Engrossed Substitute House Bill No. 1028 (air pollution control). If the bill is not enacted by June 30, 1991, the appropriation shall lapse.

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation--State	\$	18,236,000
General Fund Appropriation--Federal	\$	1,226,000
State Toxics Control Account Appropriation	\$	1,104,000
Motor Vehicle Fund	\$	200,000
TOTAL APPROPRIATION	\$	20,766,000

The appropriations in this section are subject to the following conditions and limitations: \$97,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5096 (adverse impacts on agriculture). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 316. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Appropriation	\$	20,504,000
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The appropriation in this section is subject to the following conditions and limitations: \$4,486,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of this amount, the center shall not expend more than is projected to be received from revenue generated by the special excise tax that is deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE STATE PATROL

General Fund Appropriation--State	\$ 21,534,000
General Fund Appropriation--Federal	220,000
General Fund Appropriation--Private/Local	2,569,000
Death Investigations Account Appropriation	24,000
Drug Enforcement and Education Account--State	1,960,000
TOTAL APPROPRIATION	\$ 26,307,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,400,000 of the general fund--private/local appropriation is provided for the operation of Washington state patrol crime laboratories and represents the revenue from the fees imposed under RCW 43.43.670.

(2) The staff of the Washington state patrol crime laboratories shall not provide tests for marijuana to cities or counties except: (a) To verify weight for criminal cases where weight is a factor, or (b) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.

(3) \$195,000 of the general fund--state appropriation is provided solely for security costs for the national governors' association 1990 conference.

(4) \$916,000 of the general fund--state appropriation is provided solely for the operations of the three satellite crime laboratories at Everett, Kennewick, and Kelso. The state patrol shall not reduce the operations of these laboratories below the fiscal year 1991 levels.

NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$ 19,327,000
Architects' License Account Appropriation	743,000
Cemetery Account Appropriation	169,000
Health Professions Account Appropriation	526,000
Professional Engineers' Account Appropriation	1,614,000
Real Estate Commission Account Appropriation	6,083,000
TOTAL APPROPRIATION	\$ 28,462,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$483,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5124 (licensing private security guards). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(2) \$145,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5125 (licensing private detectives). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(3) A total of \$2,474,000 shall be transferred to the department of licensing from the following agencies to provide for the operation of the master license center: The department of revenue, the department of agriculture, the department of labor and industries, the employment security department, the department of health, the liquor control board, the lottery commission, and the secretary of state. The office of financial

management shall transfer the funds from these agencies based on relative number of licenses issued by each agency through the master license center. By December 1, 1991, the office of financial management shall report to the legislative fiscal committees on the amounts transferred from each agency. It is the intent of the legislature to appropriate to the agencies specified in this section, in the 1992 supplemental appropriations act, moneys from the agencies' dedicated funds and accounts as replacement for the moneys transferred under this subsection.

PART V
EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund Appropriation--State	\$	20,696,000
General Fund Appropriation--Federal	\$	13,016,000
Public Safety and Education Account		
Appropriation	\$	358,000
Drug Enforcement and Education Account		
Appropriation	\$	148,000
TOTAL APPROPRIATION	\$	34,218,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) The entire drug enforcement and education account appropriation is provided solely for administration of the grant awards established under chapter 28A.170 RCW.

(3) \$100,000 of the general fund--state appropriation is provided solely to print and distribute an informational brochure on enrollment options.

(4) The superintendent of public instruction shall propose procedures and standards to meet demonstrable funding needs beyond the level provided in the state-funded program for handicapped children. The procedures and standards shall permit relief for a school district only if a district can at least demonstrate that:

(a) Student characteristics and costs of providing program services in the district differ significantly from the assumptions of the state handicapped funding formula;

(b) Individualized education plans are properly and efficiently prepared and formulated;

(c) The district is making a reasonable effort to provide program services for handicapped children within funds generated by the state funding formula;

(d) District programs are operated in a reasonably efficient manner;

(e) No indirect costs are charged against the handicapped program; and

(f) Any available federal funds are insufficient to address the additional needs.

The superintendent of public instruction shall submit a report describing the proposed procedures and standards to the legislature by January 10, 1992.

(5) \$45,000 of the general fund--state appropriation is provided solely for purchase of computers and associated equipment and materials for the legislative page school.

(6) \$39,000 of the general fund--state appropriation is provided to implement Second Substitute Senate Bill No. 5022 (teacher excellence awards). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	5,183,690,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,438,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) Allocations for certificated staff salaries for the 1991-92 and 1992-93 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (d) and (e) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (d) and (e) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 510 of this act;

(ii) 54.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students, excluding full time equivalent handicapped students ages nine and above;

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1991-92 and 1992-93 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 21.11 percent in the 1991-92 and 1992-93 school years of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.84 percent in the 1991-92 and 1992-93 school years of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,654 per certificated staff unit in the 1991-92 and 1992-93 school years.

(b) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$12,679 per certificated staff unit in the 1991-92 and 1992-93 school years.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$318 for the 1991-92 school year and \$318 per year for the 1992-93 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1990-91 school year.

(8) The superintendent may distribute a maximum of \$4,546,000 outside the basic education formula during fiscal years 1992 and 1993 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$375,000 may be expended in each fiscal year.

(b) For summer vocational programs at skills centers, a maximum of \$1,762,000 may be expended in fiscal year 1992 and a maximum of \$1,762,000 may be expended in fiscal year 1993.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 5.7 percent from the 1990-91 school year to the 1991-92 school year, and 4.6 percent from the 1991-92 school year to the 1992-93 school year.

(10) A maximum of \$2,450,000 may be expended in the 1991-92 fiscal year and a maximum of \$2,450,000 may be expended in the 1992-93 fiscal year for high technology vocational equipment for secondary vocational education programs and skill centers.

(11)(a) For each school year, the funding provided under subsection (2)(a)(ii) of this section shall be based on a ratio of 54.3 certificated instructional staff per thousand students in kindergarten through grade three only if the district documents an actual ratio of at least 54.3 full time basic education certificated instructional staff per thousand full time equivalent students at those grade levels.

(b) Districts at or above 52.3 certificated instructional staff per one thousand full time equivalent students may dedicate up to 1.3 of the 54.3 funding ratio to employ classified instructional assistants assigned to basic education classrooms in kindergarten through grade three. For any school district documenting a lower ratio, the funding provided under subsection (2)(a)(ii) of this section shall be based on the district's actual K-3 ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(c), if greater.

(c) Districts may not use allocations provided above the statutory minimum ratio established under RCW 28A.150.160(2)(c) to supplant other moneys previously used to employ K-3 certificated instructional staff or K-3 classified instructional assistants. However, a district that has achieved a ratio of 54.3 basic education certificated instructional staff per thousand full time equivalent students in grades K-3 may also use the allocation to employ additional basic education certificated instructional staff or classified instructional assistants in any grades K-12.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION INNOVATIVE EQUIPMENT, BOOKS AND SUPPLIES GRANTS

General Fund Appropriation \$ 30,060,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) A maximum of \$16,700,000 may be expended in the 1991-92 school year.
- (2) Funds shall be allocated each school year based on the relationship that a district's state allocation for nonemployee related costs bears to the total state nonemployee related costs generated in the following programs:
 - (a) General apportionment (basic education), section 502;
 - (b) Pupil transportation, section 506;
 - (c) Handicapped education programs, section 509;
 - (d) Institutional education, section 514.
- (3) School districts are encouraged to expend these funds in the appropriate programs for innovative equipment, computers, textbooks, materials, and supplies. School districts may expend these funds in the same manner as other nonemployee related cost allocations.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ 237,694,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:
 - (a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A.
 - (b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.
- (2) For the purposes of this section:
 - (a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.
 - (b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.
 - (c) "LEAP Document 1B" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience for the 1991-92 school year, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:37 hours.
 - (d) "LEAP Document 1C" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience for the 1992-93 school year, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:40 hours.
 - (e) "LEAP Document 12" means the computerized tabulation of 1990-91, 1991-92, and 1992-93 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education

certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:30 hours.

(3) Incremental fringe benefits factors shall be applied to salary increases at a rate of 1.2047 for certificated salaries and 1.1534 for classified salaries for both the 1991-92 and 1992-93 school years.

(4) The increase for each certificated administrative staff unit provided under section 502 of this act shall be the 1990-91 state-wide average certificated administrative salary increased by 4.0 percent for 1991-92, and further increased by 3.5 percent for 1992-93, as shown on LEAP Document 12.

(5) The increase for each classified staff unit provided under section 502 of this act shall be the 1990-91 state-wide average classified salary increased by 4.4 percent for 1991-92 and further increased by 3.8 percent for 1992-93, as shown on LEAP Document 12.

(6) Increases for certificated instructional staff units provided under section 502 of this act shall be the difference between the salary allocation specified in subsection (1)(a) of this section and the salary allocation specified as follows:

(a) For 1991-92, the allocation for each certificated instructional staff unit shall be the 1991-92 derived base salary, as shown on LEAP Document 12, multiplied by the district's average staff mix factor for actual 1991-92 full time equivalent basic education certificated instructional staff using LEAP Document 1B.

(b) For 1992-93, the allocation for each certificated instructional staff unit shall be the 1992-93 derived base salary, as shown on LEAP Document 12, multiplied by the district's average staff mix factor for actual 1992-93 full time equivalent basic education certificated instructional staff using LEAP Document 1C.

(7)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations for the 1991-92 and 1992-93 school years:

**1991-92 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	21,969	22,562	23,178	23,793	24,400
1	22,538	23,147	23,778	24,429	25,212
2	23,112	23,736	24,380	25,090	26,035
3	23,712	24,351	25,009	25,753	26,874
4	24,316	24,990	25,662	26,440	27,764
5	24,944	25,630	26,317	27,149	28,668
6	25,594	26,273	26,994	27,879	29,603
7	26,246	26,938	27,671	28,606	30,569
8	26,899	27,624	28,368	29,374	31,566
9		28,528	29,309	30,352	32,595
10			30,262	31,379	33,653
11				32,437	34,760
12				33,461	35,897
13					37,062
14					38,233
15 or more					39,227

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
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0	25,606	24,939	26,811	28,018
1	26,434	25,696	27,624	28,846
2	27,295	26,488	28,447	29,706
3	28,188	27,292	29,286	30,600
4	29,115	28,130	30,176	31,527
5	30,073	29,000	31,080	32,485
6	31,043	29,904	32,015	33,455
7	32,065	30,818	32,981	34,476
8	33,116	31,786	33,978	35,528
9	34,198	32,762	35,007	36,609
10	35,308	33,791	36,064	37,720
11	36,449	34,849	37,172	38,861
12	37,637	35,949	38,309	40,049
13	38,854	37,086	39,474	41,265
14	40,116	38,258	40,720	42,528
15 or more	41,159	39,252	41,779	43,634

1992-93 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	23,652	24,291	24,953	25,615	25,254
1	24,147	24,800	25,475	26,174	26,094
2	24,642	25,307	25,995	26,751	26,947
3	25,159	25,836	26,535	27,324	27,814
4	25,673	26,384	27,094	27,916	28,736
5	26,207	26,927	27,649	28,523	29,671
6	26,756	27,466	28,219	29,144	30,639
7	27,302	28,021	28,783	29,756	31,639
8	27,840	28,590	29,361	30,402	32,671
9		29,527	30,335	31,414	33,736
10			31,321	32,477	34,830
11				33,572	35,977
12				34,632	37,153
13					38,359
14					39,571
15 or more					40,600

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	26,502	25,812	27,750	28,998
1	27,359	26,596	28,590	29,855
2	28,250	27,415	29,443	30,745
3	29,175	28,247	30,311	31,671
4	30,134	29,115	31,232	32,630
5	31,125	30,016	32,167	33,622
6	32,130	30,951	33,135	34,626
7	33,187	31,897	34,135	35,683
8	34,275	32,898	35,167	36,771

9	35,394	33,909	36,232	37,891
10	36,544	34,974	37,327	39,040
11	37,725	36,068	38,473	40,221
12	38,954	37,207	39,649	41,450
13	40,213	38,384	40,855	42,710
14	41,520	39,597	42,146	44,016
15 or more	42,600	40,626	43,241	45,161

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1990-91 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.415.020.

(9) The salary allocation schedules established in subsection (7) of this section are for allocation purposes only.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ 51,431,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.2047 for certificated salaries and 1.1534 for classified salaries in the 1991-92 and 1992-93 school years.

(2) Salary increases for each school year for state-supported formula units in the following categorical programs include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified below:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$20.57 per pupil for the 1991-92 school year and by \$39.11 per pupil for the 1992-93 school year.

(b) Learning assistance: The rates specified in section 521 of this act shall be increased by \$15.57 per pupil for the 1991-92 school year and by \$29.60 per pupil for the 1992-93 school year.

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$12.19 per pupil for the 1991-92 school year and by \$23.16 per pupil for the 1992-93 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$80.05 per full time equivalent student for the 1991-92 school year, and by \$167.21 per full time equivalent student for the 1992-93 school year. A maximum of \$810,000 is provided for the 1991-92 fiscal year and a maximum of \$1,844,000 is provided for the 1992-93 fiscal year.

(e) Pupil transportation: The rates provided under section 507 of this act shall be increased by \$.79 per weighted pupil-mile for the 1991-92 school year, and by \$1.51 per weighted pupil-mile for the 1992-93 school year.

(3) The superintendent of public instruction shall distribute salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 510 of this act), in the educational service districts (section 512 of this act), and in the institutional education program (section 515 of this act), in the same manner as salary increases are provided for basic education staff under section 503 of this act.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES
 General Fund Appropriation \$ 63,992,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$246.24 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1991-92 school year, effective October 1, 1991, to a rate of \$276.24 per month, and for the 1992-93 school year, effective October 1, 1992, to a rate of \$302.98 as distributed pursuant to this section.

(3) The increase in insurance benefit allocations for basic education staff units under section 502(5) of this act, for handicapped program staff units as calculated under section 510 of this act, for state-funded staff in educational service districts, and for institutional education programs is \$30.00 per month for the 1991-92 school year and an additional \$26.74 per month in the 1992-93 school year.

(4) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1 of each school year, the maximum rate adjustments provided on an annual basis under this section are:

(a) For pupil transportation, an increase of \$.24 per weighted pupil-mile for the 1991-92 school year and \$.24 per weighted pupil-mile for the 1992-93 school year;

(b) For learning assistance, an increase of \$6.70 per pupil for the 1991-92 school year and \$6.68 for the 1992-93 school year;

(c) For education of highly capable students, an increase of \$2.29 per pupil for the 1991-92 school year and \$2.28 per pupil for the 1992-93 school year;

(d) For transitional bilingual education, an increase of \$4.34 per pupil for the 1991-92 school year and \$4.33 per pupil for the 1992-93 school year;

(e) For vocational-technical institutes, an increase of \$16.25 per full time equivalent pupil for the 1991-92 school year and \$17.80 per full time equivalent pupil for the 1992-93 school year. A maximum of \$164,000 is provided for the 1991-92 fiscal year and \$400,000 is provided for the 1992-93 fiscal year.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 288,707,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$25,994,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.

(2) A maximum of \$134,199,000 may be distributed for pupil transportation operating costs in the 1991-92 school year.

(3) A maximum of \$873,000 may be expended for regional transportation coordinators.

(4) A maximum of \$65,000 may be expended for bus driver training.

(5) For eligible school districts, the small fleet maintenance factor shall be funded at a rate of \$1.60 per weighted pupil-mile.

(6) The superintendent shall ensure that, by the 1992-93 school year, school districts in accordance with RCW 28A.160.160(4) are making good faith efforts to alleviate the problem of hazardous walking conditions for students.

(7) \$745,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5114 (school bus safety crossing arms). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 85,707,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1991-92 and 1992-93 school years shall be distributed at a rate of \$3,355 per student for a maximum of 12,655 full time equivalent students.

(2) Funding for adult basic education programs during the 1991-92 and 1992-93 school years shall be distributed at a rate of \$1.62 per hour of student service for a maximum of 288,690 hours.

(3) \$1,500,000 is provided solely to lease computer equipment, reprogram software and databases, and provide for other initial operating costs necessary to merge the computer systems of the vocational-technical institutes into the community and technical college system created under Engrossed Substitute House Bill No. 1039 or Engrossed Substitute Senate Bill No. 5184 (work force training education). The apportionment of this amount among the vocational-technical institutes shall be made by the director of the office of financial management. If neither bill is enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation--State \$ 6,000,000

General Fund Appropriation--Federal \$ 110,000,000

TOTAL APPROPRIATION \$ 116,000,000

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation--State \$ 688,833,000

General Fund Appropriation--Federal \$ 72,000,000

TOTAL APPROPRIATION \$ 760,833,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$62,455,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1991-92 and 1992-93 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on April 8, 1991, at 14:15 hours.

(3) A maximum of \$614,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides

at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$272,000 of the general fund--state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families.

(5) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(6) No indirect charges may be charged against this program.

(7) Project funding under this section and sections 520 and 521 of this act for special services demonstration projects shall be allocated and disbursed under Engrossed Substitute House Bill No. 1329 (special services demonstration projects). If the bill is not enacted by June 30, 1991, this subsection is null and void.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account

Appropriation \$ 5,342,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$596,000 may be expended for regional traffic safety education coordinators.

(2) A maximum of \$2,330,000 may be expended in the 1991-92 fiscal year and \$2,416,000 in the 1992-93 fiscal year to provide tuition assistance for traffic safety education for students from low-income families.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ 10,570,000

The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ 148,303,000

The appropriation in this section is subject to the following conditions and limitations: \$148,303,000 is provided for state matching funds pursuant to RCW 28A.500.010.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ENUMERATED PURPOSES

General Fund Appropriation--Federal \$ 183,032,000

(1) Education Consolidation and Improvement Act \$ 178,000,000

(2) Education of Indian Children \$ 332,000

(3) Adult Basic Education \$ 4,700,000

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation--State \$ 24,917,000

General Fund Appropriation--Federal \$ 8,378,000

TOTAL APPROPRIATION \$ 33,295,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,065,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) A maximum of \$950,000 of the general fund--state appropriation may be expended for juvenile parole learning centers in the 1991-92 school year and \$950,000 in the 1992-93 school year at a rate not to exceed \$2,351 per full time equivalent student.

(3) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(4) Average staffing ratios for each category of institution, excluding juvenile parole learning centers, shall not exceed the rates specified in the legislative budget notes.

(5) The superintendent of public instruction shall:

(a) Define what constitutes a full time equivalent student;

(b) In cooperation with the secretary of social and health services, define responsibility for the variety of services offered through the common schools and the department of social and health services;

(c) Convene meetings of the parties responsible for the well-being of children in the institutional education programs for purpose of identifying and resolving problems associated with service delivery; and

(d) Report to the appropriate fiscal and policy committees of the legislature on (a), (b), and (c) of this subsection by January 10, 1992.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 10,234,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$945,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.

(2) Allocations for school district programs for highly capable students during the 1991-92 and 1992-93 school years shall be distributed at a maximum rate of \$397.16 per student for up to one and one-half percent of each district's full time equivalent enrollment.

(3) A maximum of \$356,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL DISTRICT SUPPORT

General Fund Appropriation--State \$ 5,155,000

General Fund Appropriation--Federal \$ 7,214,000

Drug Enforcement and Education Account \$ 13,514,000

TOTAL APPROPRIATION \$ 25,883,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$282,000 of the general fund--state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$651,000 of the general fund--state appropriation is provided solely for teacher training workshops conducted by the Pacific science center. \$496,000 of this amount is for in-service training in science to be provided to approximately ten percent of the kindergarten through eighth grade teachers each year.

(3) \$872,000 of the general fund--state appropriation and \$413,000 of the general fund--federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).

(4) \$3,000,000 of the general fund--state appropriation is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned.

(5) \$150,000 of the general fund--state appropriation is provided solely for school district staff training and materials to implement the schools and architecture program.

(6) \$200,000 of the general fund--state appropriation is provided solely to contract with the Henry M. Jackson school of international studies at the University of Washington to provide inservice training programs, technical assistance to school districts, and dissemination of curriculum materials related to international education.

(7) \$10,400,000 of the drug enforcement and education account appropriation is provided to support school district substance abuse awareness programs as provided under chapter 28A.170 RCW.

(8) \$3,114,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. School districts which apply for such grants shall ensure that no more than seventy-five percent of the district's total expenditures for school security in any school year are supported by the grant amounts. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation--State	\$	52,361,000
General Fund Appropriation--Federal	\$	8,289,000
TOTAL APPROPRIATION	\$	60,650,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,731,000 of the general fund--state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools.

(2) \$88,000 of the general fund--state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$2,000,000 of the general fund--federal appropriation is provided solely to fund innovative programs that are targeted to providing special assistance to at-risk students.

(4) \$2,312,000 of the general fund--state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.405.450. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(5) \$204,000 of the general fund--state appropriation is provided solely for child abuse education provisions of RCW 28A.300.150 through 28A.300.160.

(6) \$1,400,000 of the general fund--state appropriation is provided solely for grants for drop-out prevention and retrieval programs established under chapter 28A.175 RCW.

(7) \$126,000 of the general fund--state appropriation is provided solely to establish and operate a toll-free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

(8) \$20,000,000 of the general fund--state appropriation is provided solely to implement the reach grant program established under sections 401 through 414 of Engrossed Second Substitute Senate Bill No. 5919.

(9) \$20,000,000 of the general fund--state appropriation is provided solely to implement the fair start program established under sections 701 through 709 of Engrossed Second Substitute Senate Bill No. 5919.

(10) \$5,500,000 of the general fund--state appropriation is provided solely to implement the small schools grant program established under sections 1001 through 1005 of Engrossed Second Substitute Senate Bill No. 5919.

(11) \$500,000 of the general fund--state appropriation is provided solely for grants for homeless children education programs. The grant applications shall be submitted jointly by school districts and at least one shelter within the district serving homeless families. The grants are not intended to fund separate instructional programs for homeless children unless the services are necessary to facilitate adjustment into a regular classroom setting. The grants may be used for staffing, for coordinating the transfer of records, for transportation, for student assessment, or for other individualized instruction or assistance.

(12) \$50,000 of the general fund--federal appropriation is provided solely for a Federal Way school district pilot program for teenage suicide prevention.

(13) \$50,000 of the general fund--federal appropriation is provided solely for a Northshore school district pilot program for teenage suicide prevention.

(14) \$500,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5504 (student teaching centers). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation--Federal \$ 51,216,000

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 23,882,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$2,395,000 is provided solely for the remaining months of the 1990-91 school year.
- (2) The superintendent shall distribute funds for the 1991-92 and 1992-93 school years at a rate for each year of \$508.82 per eligible student.
- (3) No indirect charges may be charged against this program.
- (4) For a student served more than twenty-five percent of the school day in a transitional bilingual program, the superintendent of public instruction shall ensure that state basic education funds generated by the student are expended, to the greatest extent practical, in the instruction of that student.

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 91,807,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$8,850,000 is provided solely for the remaining months of the 1990-91 school year.
- (2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1991-92 and 1992-93 school years at a maximum rate of \$426 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW. In determining these

allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

(3) No indirect charges may be charged against this program.

NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ 3,584,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$1,792,000 of the general fund appropriation may be expended during fiscal year 1992.

NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE STATE SCHOOL FOR THE BLIND AND THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation--State \$ 18,829,000

General Fund Appropriation--Federal \$ 303,000

TOTAL APPROPRIATION \$ 19,132,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,475,000 of the general fund--state appropriation and \$68,000 of the general fund--federal appropriation is provided to pass through directly to the state school for the blind at the request of the school's superintendent.

(2) \$11,967,000 of the general fund--state appropriation and \$235,000 of the general fund--federal appropriation is provided to pass through directly to the state school for the deaf at the request of the school's superintendent.

(3) \$387,000 of the general fund--state appropriation is provided solely for transportation of day students attending the schools. The state school for the deaf and the state school for the blind shall contract with educational service district No. 112 for the provision of pupil transportation services.

NEW SECTION. Sec. 524. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund appropriation \$ 58,724,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,605,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) \$53,119,000 of the general fund appropriation is provided solely to implement the block grant program, section 1301 of Engrossed Second Substitute Senate Bill No. 5919.

(3)(a) Allocation to eligible school districts for the 1991-92 and 1992-93 school years shall be calculated on the basis of average annual full time equivalent enrollment, at an annual rate of up to \$35.26 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(ii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.48.010.

NEW SECTION. Sec. 525. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR CERTIFICATED INSTRUCTIONAL STAFF--LONGEVITY SALARY INCREMENTS

General Fund Appropriation \$ 48,611,000

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is intended to provide eligible certificated instructional staff an average 3.2 percent increment for an additional year of experience in each school year, based on LEAP Document 1R as developed on March 29, 1990, at 11:00 hours.

(2) The superintendent shall transfer the following amounts to the specified programs:

- (a) \$42,146,000 to General Apportionment, section 502 of this act;
- (b) \$6,251,000 to the Handicapped Education Program, section 510 of this act; and
- (c) \$215,000 to the Institutional Education Program, section 515 of this act.

(3) Certificated instructional staff salary allocations in the specified programs shall be allocated in accordance with sections 502 and 504 of this act.

NEW SECTION. Sec. 526. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR CERTIFICATED INSTRUCTIONAL STAFF PERFORMANCE-BASED PAY FOR THE 1992-93 SCHOOL YEAR

General Fund Appropriation \$ 10,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation is provided solely to implement performance-based pay, pursuant to sections 603 through 607 of Second Substitute Senate Bill No. 5919.

(2) The superintendent shall allocate performance-based pay funds to school districts in the 1992-93 school year based on the relationship that a district's state allocation for certificated instructional staff for general apportionment, section 502 of this act, bears to the total state allocation for certificated instructional staff for general apportionment.

PART VI

HIGHER EDUCATION

NEW SECTION. Sec. 601. HIGHER EDUCATION. The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 610 of this act.

(2)(a) Student Quality Standard: Each institution and branch campus shall adhere to annual budgeted enrollment levels. During each fiscal year of the 1991-93 fiscal biennium, each institution of higher education shall spend not less than the average annual amount listed in this subsection per full time equivalent student, plus or minus two percent each year. The amounts include total appropriated general fund state operating expenditures, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are also excluded.

	1991-92	1992-93
University of Washington	\$ 9,809	10,220
Washington State University	\$ 8,119	8,488
Eastern Washington University	\$ 6,022	6,194
Central Washington University	\$ 6,038	6,163
The Evergreen State College	\$ 7,368	7,605
Western Washington University	\$ 5,676	5,855

State Board for Community College

Education \$ 3,543 3,597

(b) Budgeted Enrollments: Each institution and its branch campuses shall enroll to their budgeted annual average full time equivalent enrollments ("AA FTEs"), plus or minus two percent. If the actual average annual 1991-92 full time equivalent student enrollment of an institution or branch campus varies from the budgeted amount by more than two percent, an amount equal to the student quality standard as calculated in (2)(a) of this subsection per full time equivalent student above or below the two percent variance shall be transferred to the higher education coordinating board for distribution to the other institutions of higher education. If the estimated average annual 1992-93 full time equivalent student enrollment of an institution or branch campus (as estimated on April 30, 1993, by the office of financial management using spring enrollment reports submitted by the institutions) varies from the budgeted amount by more than two percent, an amount equal to the student quality standard as calculated in (2)(a) of this subsection per full time equivalent student above or below the two percent variance shall revert to the state general fund.

	1991-92 Budgeted AA FTEs	1992-93 Budgeted AA FTEs
University of Washington		
Main campus	29,995	30,195
Tacoma branch	300	390
Bothell branch	300	395
Washington State University		
Main campus	15,994	16,194
Tri-Cities branch	448	485
Vancouver branch	300	383
Spokane branch	87	119
Eastern Washington University	7,195	7,370
Central Washington University	6,340	6,590
The Evergreen State College	3,150	3,200
Western Washington University	8,875	9,100
State Board for Community College		
Education	88,525	91,550

(c) Facilities Quality Standard: During the 1991-93 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to fall more than five percent below the amounts allotted for this purpose.

(3)(a) The following are maximum amounts that each institution may spend from the appropriations in sections 602 through 610 of this act for staff salary increases on January 1, 1992, and January 1, 1993, excluding classified staff salary increases, and subject to all the limitations contained in this section.

	1991-92	1992-93
University of Washington	\$3,914,000	10,603,000
Washington State University	\$1,841,000	5,356,000
Eastern Washington University	\$ 568,000	1,507,000
Central Washington University	\$ 500,000	1,301,000
The Evergreen State College	\$ 272,000	720,000
Western Washington University	\$ 696,000	1,815,000
State Board for Community College		
Education	\$4,463,000	11,452,000
Higher Education Coordinating		
Board	\$ 25,000	74,000

(b) The amounts listed in (3)(a) of this subsection shall be used to provide faculty, exempt staff, teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole an average salary increase of 4.0 percent on January 1, 1992, and 3.5 percent on January 1, 1993.

(c) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(4) In addition to the amounts provided in subsection (3)(a) of this section, the following amounts are provided to each institution of higher education and the community college system to grant salary increases on January 1, 1992, and on January 1, 1993, that address their most serious salary inequities and merit issues among faculty and exempt staff. Eastern Washington University may use moneys provided under this section to grant across-the-board salary increases to address salary inequities that may exist among the state's regional universities. The state board for community college education shall assess salary equity in the system and establish guidelines for the allocation of the funds. The community college districts shall distribute these amounts consistent with the state board's allocation. In no case may the funds provided under this subsection and subsection (3) of this section be used to grant a salary increase exceeding \$4,400 in fiscal year 1992, or \$3,800 in fiscal year 1993, to any person whose annual salary exceeds \$100,000.

	1991-92	1992-93
University of Washington	\$ 391,000	1,024,000
Washington State University	\$ 184,000	519,000
Eastern Washington University	\$ 57,000	146,000
Central Washington University	\$ 49,000	125,000
The Evergreen State College	\$ 27,000	69,000
Western Washington University	\$ 69,000	175,000
State Board for Community College Education	\$ 446,000	1,104,000
Higher Education Coordinating Board	\$ 3,000	7,000

(5) The following amounts from the appropriations in sections 602 through 610 of this act, or as much thereof as may be necessary, shall be spent to provide employees classified by the higher education personnel board:

(a) A 4.0 percent across-the-board increase effective January 1, 1992, and an additional 3.5 percent across-the-board increase effective January 1, 1993; and

(b) An additional increase effective January 1, 1992, which, when calculated in combination with the 4.0 percent increase granted under (a) of this subsection, raises employees' salaries to the salary range closest to 15 percent behind prevailing rate.

Calculations for determining the increase granted in this subsection shall be made subsequent to the calculations for the general salary increase of 4.0 percent granted on January 1, 1992. The findings of the 1990 comprehensive salary survey as adopted by the higher education personnel board, expressed as the number of ranges behind prevailing rate, shall be used to determine the salary increase under this subsection. However, the number of ranges behind prevailing rate shall be adjusted to reflect salary changes resulting from:

(i) Any job classification revision approved after June 1, 1990; and

(ii) The salary increase granted on January 1, 1991, to raise employees' salaries to within twenty percent of prevailing rate based on the findings of the 1988 trend salary survey.

The general across-the-board salary increase granted on January 1, 1991, shall not be considered when calculating the number of ranges between employee salaries and prevailing rate as shown in the findings of the 1990 survey.

Increases to reduce the number of ranges behind prevailing rate may be granted only in whole-range increments.

(c) The salary increases granted in this subsection (5) shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(d) No salary increases may be paid under this subsection (5) to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

	1991-92	1992-93
University of Washington	\$1,751,000	5,082,000
Washington State University	\$1,069,000	3,117,000
Eastern Washington University	\$ 264,000	766,000
Central Washington University	\$ 213,000	618,000
The Evergreen State College	\$ 161,000	467,000
Western Washington University	\$ 286,000	853,000
State Board for Community College Education	\$1,630,000	4,744,000
Higher Education Coordinating Board	\$ 15,000	42,000

(6)(a) In addition to any other compensation adjustments provided in this act, salary increments in fiscal year 1992 may be funded by community college districts from moneys provided under subsection (4) of this section and from any moneys available from FTE employee vacancies resulting from staff turnover.

(b) By December 1, 1991, the higher education coordinating board, in consultation with the state board for community college education and with the cooperation of the institutions of higher education, shall report to the appropriate committees of the legislature on higher education compensation, including salary increments. The report shall provide data on the number of higher education employees eligible for salary increments during FY 1992, the total and average individual cost of salary increments for each institution, the basis on which the increments are granted, and the frequency thereof. Any performance-based compensation plans in effect in the institutions of higher education shall also be described in the report. The report shall also contain the recommendations of the higher education coordinating board to the legislature for the implementation and funding of a compensation plan, including salary increments, in the higher education system. It is the intent of the legislature that such compensation plan be based, in significant part, on the merits of the employee's performance.

(7) No institution of higher education may deduct more than fifteen percent for administrative overhead from any amount received for services performed under a contract or interagency agreement with an agency or department of the state without prior approval from the office of financial management. This subsection applies to new or renewed contracts and interagency agreements entered into after June 30, 1990.

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation \$ 725,710,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) At least \$3,640,000 shall be spent on assessment of student outcomes.
- (2) \$25,371,000 is provided solely for an increase in instructional support for supplies, materials, equipment, staffing and other services necessary to directly support

instruction. To the extent possible, the use of these funds should focus on improving and expanding existing classes and courses in order to allow students to meet graduation requirements without delays resulting from insufficient course availability. These funds shall not be spent for nonteaching contracts, overtime, or travel not directly related to student instruction. Not more than ten percent may be used for plant operation and maintenance and institutional support.

(3) The 1991-93 enrollment increases funded by this appropriation shall be distributed among the community college districts based on the weighted prorated percentage enrollment plan developed by the state board for community college education, and contained in the legislative budget notes.

(4) \$2,000,000 is provided solely to implement section 49 of Engrossed Substitute Senate Bill No. 5555, to be distributed to community colleges located in timber-dependent areas to develop various programs and pilot projects.

(5) \$1,322,000 is provided solely to implement sections 18 and 19 of Engrossed Substitute Senate Bill No. 5555, to fund three hundred additional community college student FTE enrollments in timber-dependent communities.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$ 686,256,000
Medical Aid Fund Appropriation	\$ 3,482,000
Accident Fund Appropriation	\$ 3,482,000
Death Investigations Account Appropriation	\$ 996,000
Oil Spill Administration Account Appropriation	\$ 228,000
TOTAL APPROPRIATION	\$ 694,444,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$2,549,600 shall be spent to expand upper-division and graduate course offerings at the Bothell branch campus.

(2) At least \$2,525,800 shall be spent to expand upper-division and graduate offerings at the Tacoma branch campus.

(3) At least \$400,000 shall be spent on assessment of student outcomes.

(4) \$14,315,000 is provided solely for an increase in instructional support for supplies, materials, equipment, staffing, and other services necessary to directly support instruction. To the extent possible, the use of these funds should focus on improving and expanding existing classes and courses in order to allow students to meet graduation requirements without delays resulting from insufficient course availability. These funds cannot be spent for nonteaching contracts, overtime, or travel not directly related to student instruction. Not more than ten percent may be used for plant operation and maintenance and institutional support.

(5) \$575,000 is provided solely to operate the Olympic natural resources center as specified in section 53 of Engrossed Substitute Senate Bill No. 5555.

(6) \$228,000 of the oil spill administration account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1027 (hazardous substance spills). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$ 383,116,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$1,039,000 shall be spent to expand upper-division and graduate offerings at the Tri-Cities branch campus.

(2) At least \$2,179,000 shall be spent to expand upper-division and graduate offerings at the Vancouver branch campus.

(3) At least \$1,940,400 shall be spent to expand graduate offerings at the Spokane branch campus.

(4) At least \$400,000 shall be spent on assessment of student outcomes.

(5) \$7,894,000 is provided solely for an increase in instructional support for supplies, materials, equipment, staffing, and other services necessary to directly support instruction. To the extent possible, the use of these funds should focus on improving and expanding existing classes and courses in order to allow students to meet graduation requirements without delays resulting from insufficient course availability. These funds shall not be spent for nonteaching contracts, overtime, or travel not directly related to student instruction. Not more than ten percent may be used for plant operation and maintenance and institutional support.

(6) \$60,000 is provided solely for the purpose of implementing Senate Bill No. 5198 (aquatic animal health).

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 104,331,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) \$2,875,000 is provided solely for an increase in instructional support for supplies, materials, equipment, staffing, and other services necessary to directly support instruction. To the extent possible, the use of these funds should focus on improving and expanding existing classes and courses in order to allow students to meet graduation requirements without delays resulting from insufficient course availability. These funds shall not be spent for nonteaching contracts, overtime, or travel not directly related to student instruction. Not more than ten percent may be used for plant operation and maintenance and institutional support.

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ 90,242,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) \$3,124,000 is provided solely for an increase in instructional support for supplies, materials, equipment, staffing, and other services necessary to directly support instruction. To the extent possible, the use of these funds should focus on improving and expanding existing classes and courses in order to allow students to meet graduation requirements without delays resulting from insufficient course availability. These funds shall not be spent for nonteaching contracts, overtime, or travel not directly related to student instruction. Not more than ten percent may be used for plant operation and maintenance and institutional support.

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ 54,913,000

Savings Recovery Account Appropriation \$ 325,000

TOTAL APPROPRIATION \$ 55,238,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) \$1,520,000 is provided solely for an increase in instructional support for supplies, materials, equipment, staffing, and other services necessary to directly support instruction. To the extent possible, the use of these funds should focus on improving and expanding existing classes and courses in order to allow students to meet graduation requirements without delays resulting from insufficient course availability. These funds shall not be spent for nonteaching contracts, overtime, or travel not directly related to

student instruction. Not more than ten percent may be used for plant operation and maintenance and institutional support.

NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY
General Fund Appropriation \$ 116,411,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) At least \$400,000 shall be spent on assessment of student outcomes.
- (2) \$2,643,000 is provided solely for an increase in instructional support for supplies, materials, equipment, staffing, and other services necessary to directly support instruction. To the extent possible, the use of these funds should focus on improving and expanding existing classes and courses in order to allow students to meet graduation requirements without delays resulting from insufficient course availability. These funds shall not be spent for nonteaching contracts, overtime, or travel not directly related to student instruction. Not more than ten percent may be used for plant operation and maintenance and institutional support.

NEW SECTION. Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund State Appropriation	\$	3,464,000
General Fund Federal Appropriation	\$	230,000
TOTAL APPROPRIATION	\$	3,694,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund State Appropriation	\$	77,546,000
General Fund Federal Appropriation	\$	3,326,000
State Education Grant Account Appropriation	\$	40,000
TOTAL APPROPRIATION	\$	79,412,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$977,000 of the general fund state appropriation is provided solely for the displaced homemakers program.
- (2) \$467,000 of the general fund state appropriation is provided solely for the western interstate commission for higher education.
- (3) \$76,102,000 of the general fund state appropriation is provided solely for student financial aid, including administrative costs. Of this amount:
 - (a) \$69,729,000 is provided solely for the state need grant and state work study programs. Not less than \$24,400,000 shall be expended for state work study grants. Any state need grant moneys not awarded by April 1 of each year may be transferred to the state work study program for distribution. The need grant award to any individual shall not exceed the amount received by a student attending a state research university.
 - (b) \$2,000,000 is provided solely for the educational opportunity grant program.
 - (c) \$150,000 is provided solely for the health professional loan repayment program.
 - (d) \$234,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5022 (teacher excellence awards).

NEW SECTION. Sec. 611. FOR THE COMPACT FOR EDUCATION
General Fund Appropriation \$ 101,000

NEW SECTION. Sec. 612. FOR THE STATE BOARD FOR VOCATIONAL EDUCATION

General Fund State Appropriation	\$	4,022,000
General Fund Federal Appropriation	\$	34,782,000
TOTAL APPROPRIATION	\$	38,804,000

NEW SECTION. Sec. 613. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

General Fund Appropriation \$ 3,131,000

NEW SECTION. Sec. 614. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund

Appropriation \$ 2,392,000

The appropriation in this section is subject to the following conditions and limitations: \$71,000, or as much thereof as may be necessary, is provided solely for:

(1) A 4.0 percent across-the-board salary increase effective January 1, 1992, and an additional 3.5 percent salary increase effective January 1, 1993, for classified and exempt staff of the higher education personnel board; and

(2) An additional increase effective January 1, 1992, which, when calculated in combination with the 4.0 percent increase granted under subsection (1) of this section, raises classified employees' salaries to the salary range closest to 15 percent behind prevailing rate. Calculation of the increase granted in this subsection (2) shall be carried out according to the procedures and restrictions outlined in section 601(5)(b) of this act.

NEW SECTION. Sec. 615. FOR WASHINGTON STATE LIBRARY

General Fund State Appropriation \$ 13,838,000

General Fund Federal Appropriation \$ 4,745,000

General Fund Private/Local Appropriation \$ 46,000

TOTAL APPROPRIATION \$ 18,629,000

The appropriations in this section are subject to the following conditions and limitations: \$2,463,516 of the combined general fund state and the general fund federal appropriations are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund State Appropriation \$ 4,650,000

General Fund Federal Appropriation \$ 900,000

TOTAL APPROPRIATION \$ 5,550,000

NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 1,278,000

NEW SECTION. Sec. 618. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 922,000

NEW SECTION. Sec. 619. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation \$ 1,007,000

State Capitol Historical Association Museum

Account Appropriation \$ 132,000

TOTAL APPROPRIATION \$ 1,139,000

PART VII

SPECIAL APPROPRIATIONS

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT

General Fund Appropriation \$ 600,301,000

This appropriation is for deposit into the accounts listed in section 801 of this act.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND

TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES	
State Convention and Trade Center Account	
Appropriation	\$ 23,896,000
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$ 1,178,000
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$ 274,000
Higher Education Bond Retirement Fund 1979 Appropriation	\$ 2,560,000
State General Obligation Bond Retirement Fund 1979 Appropriation	\$ 19,126,000
TOTAL APPROPRIATION	\$ 47,034,000
NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE	
Community College Refunding Bond Retirement Fund 1974 Appropriation	
	\$ 9,793,000
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$ 10,292,000
Higher Education Bond Retirement Fund 1979 Appropriation	\$ 13,525,000
Washington State University Bond Redemption Fund 1977 Appropriation	\$ 518,000
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$ 6,988,000
State General Obligation Bond Retirement Fund 1979 Appropriation	\$ 42,251,000
TOTAL APPROPRIATION	\$ 83,367,000
NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE	
Common School Building Bond Redemption Fund 1967 Appropriation	
	\$ 6,910,000
State Building Bond Redemption Fund 1967 Appropriation	\$ 654,000
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$ 2,450,000
TOTAL APPROPRIATION	\$ 10,014,000
NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE	
Highway Bond Retirement Fund Appropriation	\$ 192,403,518
Ferry Bond Retirement Fund 1977 Appropriation	\$ 28,172,551
TOTAL APPROPRIATION	\$ 220,576,069
NEW SECTION. Sec. 706. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES	
State Convention and Trade Center Appropriation	
	\$ 8,926

Excess Earnings Account Appropriation	\$	750,000
State/Local Improvements Revolving Account Appropriation	\$	3,574
State/Local Improvements Revolving Account Waste Disposal Facilities Appropriation	\$	13,388
State Building Construction Account Appropriation	\$	44,715,566
State/Local Improvements Revolving Account Water Supply Facilities Appropriation	\$	2,680
Motor Vehicle Fund Appropriation	\$	1,542,000
Urban Arterial Trust Account Appropriation	\$	552,496
Labor and Industries Construction Appropriation	\$	583,115
TOTAL APPROPRIATION	\$	48,171,745

Total Bond Retirement and Interest Appropriation	\$	1,009,464,782
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NEW SECTION. Sec. 707. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation	\$	9,532,000
Motor Vehicle Fund Appropriation	\$	8,942,000
Wildlife Fund Appropriation	\$	106,000
Accident Fund Appropriation	\$	4,000
Ferry System Revolving Account Appropriation	\$	4,744,000
Liquor Revolving Fund Appropriation	\$	378,000
Lottery Administrative Account	\$	50,000
Resource Management Cost Account Appropriation	\$	980,000
Public Service Revolving Account Appropriation	\$	48,000
TOTAL APPROPRIATION	\$	24,784,000

NEW SECTION. Sec. 708. FOR THE GOVERNOR--EMERGENCY FUND

General Fund Appropriation \$ 1,000,000
 The appropriation in this section is for the governor's emergency fund, for the critically necessary work of any agency.

NEW SECTION. Sec. 709. FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation	\$	1,542,000
Special Fund Agency Tort Defense Services Revolving Fund Appropriation	\$	850,000
TOTAL APPROPRIATION	\$	2,392,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 710. FOR THE OFFICE OF FINANCIAL MANAGEMENT--BELATED CLAIMS

- (1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ 800,000
- (2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1993, in order to reimburse the general fund for expenditures from belated claims, to be disbursed on vouchers approved by the office of

financial management:

Archives and Records Management	
Account	\$ 562
Winter Recreational Program Account	\$ 75
Snowmobile Account	\$ 226
Flood Control Assistance Account	\$ 1,354
Aquatic Lands Enhancement	\$ 6
State Investment Board Expense	
Account	\$ 1,995
State Toxics Control Account	\$ 671
State Emergency Water Projects Revolving	
Account	\$ 16
State and Local Improvement Revolving Account--	
Waste Disposal Facilities	\$ 384
Local Toxics Control Account	\$ 3,626
Litter Control Account	\$ 173
State Patrol Highway Account	\$ 29,500
State Wildlife Fund	\$ 31,700
Motor Vehicle Fund	\$ 42,708
High Capacity Transportation Account	\$ 7,110
Public Service Revolving Account	\$ 3,038
Insurance Commissioner's Regulatory	
Account	\$ 2,079
State Treasurer's Service Fund	\$ 37
Legal Services Revolving Fund	\$ 24,362
Municipal Revolving Account	\$ 6,249
Department of Personnel Service Fund	\$ 1,238
State Auditing Services Revolving	
Account	\$ 2,878
Liquor Revolving Fund	\$ 21,372
Department of Retirement Systems Expense	
Fund	\$ 1,234
Accident Fund	\$ 3,034
Medical Aid Fund	\$ 3,034

NEW SECTION. Sec. 711. FOR SUNDRY CLAIMS The following sum, or so much thereof as is necessary, is appropriated from the general fund for the payment of a sundry claim. This appropriation shall be disbursed on a voucher approved by the director of general administration for reimbursement and settlement of all claims under RCW 9A.16.110 for loss of time, legal fees, or other expenses, including interest, in the defense of a criminal prosecution: Gary and Beryle Murray, claim number

SCJ-91-11	\$ 7,092.50
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NEW SECTION. Sec. 712. FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE BENEFITS

General Fund--State Appropriation	\$ 142,184,000
General Fund--Federal Appropriation	\$ 27,313,000
Special Fund Salary and Insurance Contribution	
Increase Revolving Fund Appropriation	\$ 105,908,000
TOTAL APPROPRIATION	\$ 275,405,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$74,253,000 of the general fund--state appropriation, \$18,555,000 of the general fund--federal appropriation, and \$47,805,000 of the special fund salary and insurance

contribution increase revolving fund appropriation are provided for the following salary increases:

(a) A 4.0 percent across-the-board increase effective January 1, 1992, and an additional 3.5 percent across-the-board increase effective January 1, 1993, for all classified and exempt employees under the state personnel board and commissioned officers of the Washington state patrol; and

(b) For state classified and exempt employees whose salaries are determined by the comprehensive salary survey, an additional increase effective January 1, 1992, which, when calculated in combination with the 4.0 percent increase granted under subsection (1)(a) of this section, raises employees' salaries to the salary range closest to fifteen percent behind prevailing rate.

Calculations for determining the increases granted in this subsection (b) shall be made subsequent to the calculations for the general salary increase of 4.0 percent granted on January 1, 1992. The findings of the 1990 comprehensive salary survey as adopted by the state personnel board, expressed as the number of ranges behind prevailing rate, shall be used to determine salary increases under this subsection. However, the number of ranges behind prevailing rate shall be adjusted to reflect salary changes resulting from:

(i) Any job classification revision approved after June 1, 1990; or

(ii) The salary increase granted on January 1, 1991, to raise employees' salaries to within twenty percent of prevailing rate based on the findings of the 1988 trend salary survey.

The general across-the-board salary increase granted on January 1, 1991, shall not be considered when calculating the number of ranges between employee salaries and prevailing rate as shown in the findings of the 1990 survey.

Increases to reduce the number of ranges behind prevailing rate may be granted only in whole-range increments.

(2) \$4,671,000 of the general fund--state appropriation, \$1,070,000 of the general fund--federal appropriation, and \$178,000 of the special fund salary and insurance contribution are provided solely to:

(a) Grant a 5.0 percent salary increase effective January 1, 1992, and an additional 7.5 percent salary increase effective January 1, 1993, to the registered nurse 2 job class and all job classes indexed to that benchmark job class; and

(b) Increase shift differential pay for the registered nurse 2 job class and all job classes indexed to that benchmark job class from \$1.00 per hour to \$1.50 per hour for evening shift and from \$1.50 per hour to \$2.50 per hour for night shift, beginning July 1, 1991.

The salary increases granted in this subsection shall be in addition to any increase granted under subsection (1) of this section. If the appropriation in this subsection is insufficient to provide the additional 7.5 percent salary increase effective January 1, 1993, the office of financial management shall reduce the percentage increase to a level commensurate with the remaining appropriation.

(3) The governor shall allocate to state agencies \$15,000,000 from the general fund--state appropriation, and \$15,000,000 from the special fund salary and insurance contribution increase revolving fund appropriation to fulfill the 1991-93 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(4) The salary increases granted in this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(5)(a) The monthly contributions for insurance benefit premiums shall not exceed \$276.24 per eligible employee for fiscal year 1992, and \$302.98 for fiscal year 1993.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$6.96 per eligible employee for fiscal year 1992, and \$5.22 for fiscal year 1993.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1991-93 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(6) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management and in schedules provided by the legislative evaluation and accountability program in support of LEAP Document 99.

(7) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

(8) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

(9) A maximum of \$6,101,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for salary and benefit increases for ferry workers consistent with the 1991-93 transportation appropriations act.

(10) \$25,416,000 of the general fund--state appropriation, \$7,688,000 of the general fund--federal appropriation, and \$9,997,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for salary increments for longevity for classified and exempt employees under the jurisdiction of the state personnel board, and employees of legislative, judicial, and other agencies identified in LEAP Document 99. The office of financial management shall allot to these agencies the amounts identified in LEAP Document 99. "LEAP Document 99" means the computerized tabulation establishing salary increment funding, as developed by the legislative evaluation and accountability program committee.

NEW SECTION. Sec. 713. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	FY 1992	FY 1993
General Fund Appropriation	\$ 76,000,000	81,500,000
TOTAL APPROPRIATION	\$ 157,500,000	

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1992	FY 1993
General Fund Appropriation	\$ 3,325,000	3,325,000
TOTAL APPROPRIATION	\$ 6,650,000	

(3) There is appropriated for contributions to the judges retirement system:

	FY 1992	FY 1993
General Fund Appropriation	\$ 505,000	505,000
TOTAL APPROPRIATION	\$ 1,010,000	

FOR THE STATE TREASURER--LOANS

General Fund Appropriation--For transfer to the Convention and Trade Center Operating Account	\$ 8,766,000
General Fund Appropriation--For transfer to the Community College Capital Projects Account	\$ 4,500,000
TOTAL APPROPRIATION	\$ 13,266,000

The appropriations in this section are intended as loans to the accounts indicated.

PART VIII

OTHER TRANSFERS AND APPROPRIATIONS

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND
RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND
TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE
STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation	\$ 1,370,000
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$ 1,844,000
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$ 1,902,000
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$ 376,000
State Building Bond Redemption Fund 1973 Appropriation	\$ 3,796,000
State Higher Education Bond Redemption Fund 1973 Appropriation	\$ 4,387,000
State Building Authority Bond Redemption Fund Appropriation	\$ 9,408,000
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$ 7,528,000
State Higher Education Bond Redemption Fund 1974 Appropriation	\$ 1,189,000
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$ 57,907,000
Water Supply Facilities Bond Redemption Fund Appropriation	\$ 11,105,058
Recreation Improvements Bond Redemption Fund Appropriation	\$ 6,021,890
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$ 3,712,694
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$ 3,967,392
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$ 124,027
Fisheries Bond Redemption Fund 1976 Appropriation	\$ 761,536
Higher Education Bond Redemption Fund 1975 Appropriation	\$ 2,164,887
State Building Bond Retirement Fund 1975 Appropriation	\$ 426,060
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$ 9,467,557

Emergency Water Projects Bond Retirement Fund 1977	
Appropriation	\$ 2,624,875
Higher Education Bond Redemption Fund 1977	
Appropriation	\$ 16,559,408
Salmon Enhancement Bond Redemption Fund 1977	
Appropriation	\$ 3,883,552
Fire Service Training Center Bond Retirement Fund	
1977 Appropriation	\$ 739,795
State General Obligation Bond Retirement Bond 1979	
Appropriation	\$ 491,009,053
TOTAL APPROPRIATION	\$ 642,277,149

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance	
premiums tax distribution	\$ 4,600,000
General Fund Appropriation for public utility	
district excise tax distribution	\$ 24,314,000
General Fund Appropriation for prosecuting	
attorneys' salaries	\$ 2,704,000
General Fund Appropriation for motor vehicle excise	
tax distribution	\$ 83,075,000
General Fund Appropriation for local mass transit	
assistance	\$ 275,140,000
General Fund Appropriation for camper and travel	
trailer excise tax distribution	\$ 2,585,000
General Fund Appropriation for Boating Safety/ Education and Law Enforcement	
Distribution	\$ 760,000
Aquatic Lands Enhancement Account Appropriation	
for harbor improvement revenue distribution	\$ 90,000
Liquor Excise Tax Fund Appropriation for liquor	
excise tax distribution	\$ 22,000,000
Motor Vehicle Fund Appropriation for motor vehicle	
fuel tax and overload penalties distribution	\$ 359,745,000
Liquor Revolving Fund Appropriation for liquor	
profits distribution	\$ 45,645,850
Timber Tax Distribution Account Appropriation for	
distribution to "Timber" counties	\$ 83,100,000
Municipal Sales and Use Tax Equalization Account	
Appropriation	\$ 44,690,000
County Sales and Use Tax Equalization Account	
Appropriation	\$ 15,100,000
Death Investigations Account Appropriation for	
distribution to counties for publicly	
funded autopsies	\$ 750,000
County Criminal Justice Account Appropriation	\$ 56,152,000
Municipal Criminal Justice Account	
Appropriation	\$ 22,460,000
TOTAL APPROPRIATION	\$ 1,042,910,850

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal	
forest reserve fund distribution	\$ 70,000,000

General Fund Appropriation for federal flood control funds distribution	\$	78,000
General Fund Appropriation for federal grazing fees distribution	\$	53,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	820,000
TOTAL APPROPRIATION	\$	70,951,000

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--TRANSFERS

General Government Special Revenue Fund--State Treasurer's Service Account: For transfer to the general fund on or before July 20, 1993, an amount up to \$10,500,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1994, for credit to the fiscal year in which earned

\$ 10,500,000

General Fund--State: For transfer to the Natural Resources Fund--Water Quality Account

\$ 20,392,000

Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund

\$ 631,400

Water Quality Account: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit

\$ 14,500,000

Disability Accommodation Revolving Account: For transfer to the general fund

\$ 190,000

NEW SECTION. Sec. 805. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund

\$ 18,000

Motor Vehicle Fund--State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund

\$ 118,000

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1991-93 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with instructions from the office of financial management. In addition to these requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the office of financial management and appropriate legislative committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the office of financial management.

(4) A project status report shall be submitted to the office of financial management and appropriate legislative committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the office of financial management.

(5) If a project review is requested in accordance with the policies of the office of financial management, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published instructions of the office of financial management. In addition to the information requested pursuant to the instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the office of financial management and appropriate legislative committees.

NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such

expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 904. **OUT-OF-STATE TRAVEL EXPENDITURES.** No moneys appropriated in this act may be expended for costs incurred by employees or officials of the state in travel outside of the state of Washington except as provided in this section.

(1) No expenditures for travel out-of-state involving air transportation or total expenditures exceeding five hundred dollars for any one employee or official may be made unless the travel received the prior written approval of the agency head. The approval authority under this subsection shall not be delegated to any other official without the written approval of the director of financial management.

(2) No expenditures for travel out-of-state involving five or more state employees or officials on the same trip and total expenditures exceeding one thousand dollars for each employee or official may be made unless the travel received the prior written approval of: (a) The director of financial management, in the case of agencies of the executive branch; (b) the secretary of the senate and the chief clerk of the house of representatives, in the case of legislative agencies; and (c) the chief justice of the supreme court, in the case of judicial agencies. The approval authority under this subsection shall not be delegated to any other official.

(3) Within sixty days of the end of each fiscal quarter, each agency making an expenditure under subsection (1) or (2) of this section shall file the following information with the legislative budget committee: (a) The destination and duration of each trip; (b) the total expenditures for the trip, itemized by fund source; (c) the number of persons attending the trip for whom agency expenditures were made; and (d) the purpose of the trip and its relationship to the duties of the agency.

(4) In order to provide accountability of out-of-state travel costs, the office of financial management shall revise state accounting policies and procedures to ensure that one or more accounting objects or subobjects are devoted exclusively to out-of-state travel expenditures, and that such expenditures are not reported, in whole or in part, in any other accounting objects or subobjects.

NEW SECTION. Sec. 905. **EXPENDITURES FOR PERSONAL SERVICE CONTRACTS.** No moneys appropriated in this act may be expended for personal service contracts entered into after June 30, 1991, except in compliance with the requirements of this section.

(1) A copy of the contract shall be filed with the legislative budget committee within thirty days after its effective date.

(2) Sole source contracts exceeding ten thousand dollars and subject to the approval of the office of financial management under RCW 39.29.018(2) must be filed with the legislative budget committee and the legislative fiscal committees within ten days of the contract's approval by the office of financial management. A copy of the approval shall be included with the filing.

(3) No interest may be held in a contract by any person who is an employee of the state, or was such an employee at any time during the previous twelve months, unless written approval is granted by the director of financial management.

(4) Documented evidence of competitive selection of the contractor, pursuant to RCW 39.29.011, shall be transmitted to the legislative budget committee in conjunction with the filing under subsection (1) of this section.

(5) Any amendment or extension of an existing contract, if the value of the amendment or extension exceeds fifty percent of the value of the original contract, must be approved in writing by the office of financial management. The written approval shall be transmitted to the legislative fiscal committees.

(6) A state agency shall not enter into any contract or combination of contracts with a single firm or individual having a value exceeding one hundred thousand dollars without the written approval of the office of financial management, which approval shall be transmitted to the legislative budget committee and the legislative fiscal committees.

(7) The legislative budget committee shall perform a biennial performance audit of state contracting for personal services. The state auditor shall perform a biennial fiscal audit of state expenditures for personal service contracts.

(8) When preparing allotments for the 1991-93 biennium, the office of financial management shall ensure that the total state-wide expenditures for personal services, as defined in chapter 39.29 RCW, by agencies receiving appropriations in this act do not exceed the total expenditures for personal services incurred during the 1989-91 biennium. For the purposes of this section, "agencies" means any state office or activity of the executive and judicial branch of government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional, and other types of institutions.

NEW SECTION. Sec. 906. EXPENDITURES UNDER LEASE/PURCHASE FINANCING AGREEMENTS. (1) No moneys appropriated in this act may be expended for the acquisition of equipment or other personal property under financing contracts pursuant to chapter 39.94 RCW or other installment purchase agreements unless:

(a) The purchase price of each individual item of equipment or other personal property exceeds \$5,000; and

(b) The term of the installment contract does not exceed the useful life of the items being purchased.

(2) The total principal value of new equipment acquired by the state, as defined in RCW 39.94.020(4), during the 1991-93 fiscal biennium and financed pursuant to chapter 39.94 RCW through payments from the general fund shall not exceed \$50,000,000. For purposes of this subsection, equipment financed with payments from sources in addition to the general fund shall be valued in proportion to the ratio of general fund payments to the total payments.

(3) The director of financial management shall adopt policies and procedures to ensure compliance with this section. This section applies only to contracts or agreements entered into after June 30, 1991.

(4) The office of financial management shall ensure that the state's accounting system provides for the reporting of financing contract payments by state agencies at the subobject level.

(5) The state treasurer shall report by September 1 of each year to the fiscal committees of the house of representatives and the senate on the outstanding principal amounts and annual payment obligations of state agencies acquiring equipment under chapter 39.94 RCW.

NEW SECTION. Sec. 907. EMPLOYMENT RECRUITING. A state agency seeking to fill a vacant position within the agency shall not use moneys appropriated in this act to contract with an individual or organization outside of state government for assistance or advice in filling the vacancy. State agencies are encouraged to use the

recruitment division of the department of personnel. This section does not apply to institutions of higher education, or to judicial or legislative branch agencies. A state agency may apply to the director of personnel for a waiver of the prohibition in this section. If a waiver is granted, the director shall file a report with the office of financial management, the senate ways and means committee, and the house of representatives appropriations committee, stating the reason the waiver was granted and the expected dollar amount of the contract.

NEW SECTION. Sec. 908. SAVINGS RECOVERY ACCOUNT. (1) The savings recovery account is hereby established in the state treasury.

(2) The director of financial management shall identify the expenditure savings realized by affected state agencies as a result of the implementation of the recommendations of the motor pool review team of the governor's commission on efficiency and accountability in government. Periodically during the 1991-93 fiscal biennium and by June 30, 1993, the director of financial management shall withhold from agency appropriations and deposit in the savings recovery account at least \$4,300,000 as a result of these savings recommendations.

(3) The director of financial management shall identify the expenditure savings realized by affected state agencies as a result of the implementation of furniture acquisition study by the governor's commission on efficiency and accountability in government. Periodically during the 1991-93 fiscal biennium and by June 30, 1993, the director of financial management shall withhold from agency appropriations and deposit in the savings recovery account at least \$1,100,000 as a result of these savings recommendations.

(4) In order to provide for the self-supporting operations of the state productivity board during the 1991-93 fiscal biennium, the director of financial management shall withhold from funds appropriated to state agencies in this act a portion of the savings that are realized as a result of the state employees' suggestion award and incentive pay program under chapter 41.60 RCW. The funds withheld under this subsection shall equal at least \$570,000 and shall be deposited in the savings recovery account.

(5) The director of financial management shall withhold from funds appropriated to state agencies at least \$2,759,000 to reflect reduced billings to state agencies for payments to the data processing revolving fund. These reductions are the result of reduced expenditures by the department of information services for the approval of feasibility study and other services formerly provided by the department's policy and planning division. The amount withheld under this subsection shall be deposited in the savings recovery account.

Sec. 909. RCW 43.19.1923 and 1987 c 504 s 17 are each amended to read as follows:

There is created within the department of general administration a revolving fund to be known as the (")central stores revolving fund("), which shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages, and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith, which shall include utilities services. Disbursements from the fund for the purchasing and contract administration activities of the division of purchasing within the department are subject to appropriation and allotment procedures under chapter 43.88 RCW. Disbursements for all other activities within the central stores are not subject to appropriation. The fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. Central stores, utilities services, and other activities within the central stores revolving fund shall be treated as separate operating entities for financial and accounting control. Financial records involving the central stores revolving fund shall be designed to provide data for achieving maximum effectiveness and economy of each individual activity within the fund.

Sec. 910. RCW 43.08.250 and 1985 c 57 s 27 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs. All earnings of investments of balances in the public safety and education account shall be credited to the general fund. During the fiscal biennium ending June 30, 1993, the legislature may appropriate moneys from the public education and safety account for the purposes of local jail population data collection under RCW 10.98.130, the department of corrections' community partnership program under RCW 72.09.300, the treatment alternatives to street crimes program, the criminal litigation unit of the attorney general's office, contracts with county prosecuting attorneys to provide paternity establishment services, and grants to local law enforcement agencies under the crimestoppers program to increase public involvement in the prevention and solution of crimes.

Sec. 911. RCW 41.60.050 and 1987 c 387 s 4 are each amended to read as follows:

The legislature shall appropriate from the department of personnel service fund for the payment of administrative costs of the productivity board. However, during the 1991-93 fiscal biennium, the administrative costs of the productivity board shall be appropriated from the savings recovery account.

Sec. 912. RCW 43.09.270 and 1982 c 206 s 1 are each amended to read as follows:

The expense of maintaining and operating the division shall be paid out of the state general fund: PROVIDED, That those expenses directly related to the prescribing of accounting systems, training, maintenance of working capital including reserves for late and uncollectable accounts and necessary adjustments to billings, and field audit supervision, shall be considered as expenses of auditing public accounts within the meaning of RCW 43.09.280 and 43.09.282, and shall be prorated for that purpose equally among all entities directly affected by such service.

During the fiscal biennium ending June 30, 1993, the expense of maintaining and operating the division of municipal corporations shall be paid from the municipal revolving fund under RCW 43.09.282.

Sec. 913. RCW 43.23.035 and 1986 c 202 s 1 are each amended to read as follows:

The department of agriculture is hereby designated as the agency of state government for the administration and implementation of state agricultural market development programs and activities, both domestic and foreign, and shall, in addition to the powers and duties otherwise imposed by law, have the following powers and duties:

(1) To study the potential marketability of various agricultural commodities of this state in foreign and domestic trade;

(2) To collect, prepare, and analyze foreign and domestic market data;

(3) To establish a program to promote and assist in the marketing of Washington-bred horses: PROVIDED, That the department shall present a proposal to the legislature no later than December 1, 1986, that provides for the elimination of all state funding for the program after June 30, 1989;

(4) To encourage and promote the sale of Washington's agricultural commodities and products at the site of their production through the development and dissemination of referral maps and other means;

(5) To encourage and promote those agricultural industries, such as the wine industry, which attract visitors to rural areas in which other agricultural commodities and products are produced and are, or could be, made available for sale;

(6) To encourage and promote the establishment and use of public markets in this state for the sale of Washington's agricultural products;

(7) To maintain close contact with foreign firms and governmental agencies and to act as an effective intermediary between foreign nations and Washington traders;

(8) To publish and disseminate to interested citizens and others information which will aid in carrying out the purposes of chapters 43.23, 15.64, 15.65, and 15.66 RCW;

(9) To encourage and promote the movement of foreign and domestic agricultural goods through the ports of Washington;

(10) To conduct an active program by sending representatives to, or engaging representatives in, foreign countries to promote the state's agricultural commodities and products;

(11) To assist and to make Washington agricultural concerns more aware of the potentials of foreign trade and to encourage production of those commodities that will have high export potential and appeal;

(12) To coordinate the trade promotional activities of appropriate federal, state, and local public agencies, as well as civic organizations; and

(13) To develop a coordinated marketing program with the department of trade and economic development, utilizing existing trade offices and participating in mutual trade missions and activities.

The department of agriculture shall assess a fee for services provided under the agricultural market development program during the fiscal biennium ending June 30, 1993. The revenue derived from these fees shall be deposited in the agricultural local account.

As used in this section, "agricultural commodities" includes products of both terrestrial and aquatic farming.

Sec. 914. RCW 43.43.670 and 1980 c 69 s 2 are each amended to read as follows:

There is created in the Washington state patrol a crime laboratory system which is authorized to:

(1) Provide laboratory services for the purpose of analyzing and scientifically handling any physical evidence relating to any crime.

(2) Provide training assistance for local law enforcement personnel.

The crime laboratory system shall assign priority to a request for services with due regard to whether the case involves criminal activity against persons. The Washington state advisory council on criminal justice services shall assist the crime laboratory system in devising policies to promote the most efficient use of laboratory resources consistent with this section.

During the fiscal biennium ending June 30, 1993, the state patrol shall establish a schedule of fees to be collected from those federal and local governmental entities requesting crime laboratory services. The fees shall recover at least thirty percent of the total cost incurred in the crime laboratory operations. The fee revenue shall be deposited by the state patrol in the state general fund and appropriated exclusively for the operations of the laboratories.

Sec. 915. RCW 9.46.100 and 1985 c 405 s 505 are each amended to read as follows:

There is hereby created (~~(a fund to be known as)~~ the (~~(=)~~) gambling revolving fund(~~(=)~~) which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit

expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

The ~~((office of financial management may direct the))~~ state treasurer ~~((to loan))~~ shall transfer to the general fund ~~((an amount not to exceed \$1,400,000))~~ one million dollars from the gambling revolving fund for the ~~((1983-85))~~ 1991-93 fiscal biennium.

NEW SECTION. Sec. 916. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 917. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 918. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 919. LEGISLATIVE FACILITIES. Notwithstanding RCW 43.01.090, the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1991.

NEW SECTION. Sec. 920. AGENCY REIMBURSEMENTS. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation from the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 921. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1991 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, and 1989 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 922. BUDGET STABILIZATION ACCOUNT. On July 1, 1991, the state treasurer shall transfer sixty-five million seven hundred thousand dollars from the state general fund to the budget stabilization account under RCW 43.88.525.

NEW SECTION. Sec. 923. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 924. EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On page 1, line 3 of the title, after "1993;" strike the remainder of the title and insert "amending RCW 43.19.1923, 43.08.250, 41.60.050, 43.09.270, 43.23.035, 43.43.670, and 9.46.100; providing an effective date; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

On motion of Mr. Locke, moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1330 and ask the Senate for a conference thereon.

MOTION

Ms. Miller moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1330.

Mr. Tate demanded an electric roll call vote, and the demand was sustained.

Representatives Silver, Ballard and Moyer spoke in favor of the motion, and Representatives Locke, Leonard, Ebersole and Cooper spoke against it.

ROLL CALL

The Clerk called the roll on the motion by Ms. Miller to concur in the Senate amendments to Engrossed Substitute House Bill No. 1330, and the motion was not carried by the following vote: Yeas - 39, Nays - 56, Absent - 0, Excused - 3.

Voting yea: Representatives Ballard, Berozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 39.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dom, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 56.

Excused: Representatives Beck, Bray, Peery - 03.

The Speaker stated that, by its action, the House had refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 1330.

MOTION

Mr. Locke moved that the House ask the Senate for a conference on Engrossed Substitute House Bill No. 1330. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Locke, Ebersole and Silver as conferees on Engrossed Substitute House Bill No. 1330.

The Speaker called on Representative O'Brien to preside.

SENATE BILL NO. 5041, by Senators Sellar, Owen, Patterson, West, Vognild, Bauer and Thorsness

Permitting motorcyclists to use Washington state patrol approved audio headsets and earphones.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5041, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Beck, Bray, Peery - 03.

Senate Bill No. 5041, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5077, by Senators Nelson and Rasmussen

Perfecting certain security interests upon recording.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5077, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Heavey - 01.

Excused: Representatives Beck, Bray, Peery - 03.

Senate Bill No. 5077, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, by Senate Committee on Governmental Operations (originally sponsored by Senators Metcalf, Talmadge, McCaslin, Owen, Thorsness, Vognild, Rinehart, Sellar, L. Smith, Sutherland, Roach, Amondson, Hayner, Rasmussen, Bailey, Moore, Barr, Oke, Wojahn, Nelson, von Reichbauer, Bauer, Gaspard, L. Kreidler, Johnson, Stratton, Skratek and Erwin)

Protecting whistleblowers.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.) Committee on Appropriations recommendation: Majority, do pass with amendments by Committee on State Government as amended by Committee on Appropriations. (For committee amendments, see Journal, 85th Day, April 8, 1991.)

Ms. Spanel moved adoption of the committee amendment by Committee on State Government.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations to the committee amendment by Committee on State Government.

Mr. Anderson moved adoption of the following amendments by Representatives Anderson and Hine to the committee amendment by Committee on Appropriations to the committee amendment by Committee on State Government:

On page 2 of the amendments, line 20, after "consult with a" strike all material through "districts" on line 22 and insert "committee"

On page 2 of the amendments, line 25, after "governments." insert "The committee will include but not be limited to representatives from cities, counties, school districts, special purpose districts, and at least two employee organizations which represent local government employees."

Representatives Anderson and McLean spoke in favor of adoption of the amendments to the committee amendment by Committee on Appropriations, and they were adopted.

Mr. Inslee moved adoption of the following amendment to the committee amendment by Committee on Appropriations to the committee amendment by Committee on State Government:

On page 4, line 7, after "1992." insert "However, any right of action authorized under this section and arising before July 1, 1992, shall not be affected or impaired by the expiration of this section, regardless of whether a complaint is filed before, on, or after July 1, 1992."

Mr. Inslee spoke in favor of adoption of the amendment to the committee amendment by Committee on Appropriations, and it was adopted.

The committee amendment by Committee on Appropriations as amended was adopted.

The committee amendment by Committee on State Government as amended was adopted.

With consent of the House, the committee amendment by Committee on Appropriations to the title was adopted.

With consent of the House, the committee amendment by Committee on State Government to the title as amended was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5121 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Beck, Bray, Peery - 03.

Engrossed Substitute Senate Bill No. 5121 as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Tuesday, April 16, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, April 16, 1991

The House was called to order at 10:00 by the Speaker. The Clerk called the roll and all members were present except Representatives Appelwick, Basich, Broback, Hine, Locke, H. Sommers and Sprenkle. On motion of Mr. Orr, Representatives Appelwick, Broback, Hine and Locke were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Siobhan Edmondson and Teresa Munch. Prayer was offered by The Reverend James Blundell, Minister of St. John's Episcopal Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE GOVERNOR

April 15, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 15, 1991, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 1200: Relating to physical therapists;

SUBSTITUTE HOUSE BILL NO. 1304: Relating to recycling in state parks, marinas, and airports;

HOUSE BILL NO. 1450: Relating to a business and occupational tax credit for services and information provided to the state by a public safety testing laboratory.

Sincerely,
Thomas J. Felnagle, Counsel.

MESSAGES FROM THE SENATE

April 15, 1991

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1224,
SUBSTITUTE HOUSE BILL NO. 1911,

SUBSTITUTE HOUSE BILL NO. 2132,
and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 16, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330. The President has appointed the following members as conferees: Senators McDonald, Niemi and West.

W. D. Naismith, Deputy Secretary.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Dorn moved that the House immediately consider Senate Bill No. 5141 on the regular second reading calendar. The motion was carried.

SENATE BILL NO. 5141, by Senator McCaslin

Accelerating changes to five-member boards of county commissioners.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cooper and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5141, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 3, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogdan, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Basich, Sommers, H., Sprengle - 03.

Excused: Representatives Appelwick, Broback, Hine, Locke - 04.

Senate Bill No. 5141, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5143, by Senate Committee on Ways & Means (originally sponsored by Senators Metcalf, Murray and Conner)

Increasing the procurement of recycled products.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Environmental Affairs.

MOTION

Mr. Dorn moved that the House defer further consideration of Second Substitute Senate Bill No. 5143 and that the bill hold its place on the second reading calendar. The motion was carried.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker (Mr. O'Brien presiding) called the House to order.

Representatives Appelwick, Basich, Broback, Locke, H. Sommers and Sprenkle appeared at the bar of the House.

MOTION

Mr. Dorn moved that the House immediately consider Substitute Senate Bill No. 5128 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5128, by Senate Committee on Ways & Means (originally sponsored by Senators Madsen, Jesernig and Rasmussen)

Requiring notification to witnesses upon release or escape of serious drug offenders.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5128, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Hine - 01.

Substitute Senate Bill No. 5128, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider the following bills on the regular second reading calendar in the following order: Senate Bill No. 5477 and Senate Bill No. 5528. The motion was carried.

SENATE BILL NO. 5477, by Senators Conner, Rasmussen, Bauer and Nelson

Authorizing veterans' benefits for Women's Air Forces Service Pilots and merchant marines.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on State Government.

Mr. Anderson moved adoption of the committee amendment. Representatives Anderson and McLean spoke in favor of adoption of the committee amendment, and it was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5477 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Hine - 01.

Senate Bill No. 5477, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5528, by Senators Rinehart, Bailey, Murray and Erwin

Allowing local literacy programs for children.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. G. Fisher moved adoption of the committee amendment and spoke in favor of it. Ms. Brough spoke against the amendment. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Fisher and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5528 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Hine - 01.

Senate Bill No. 5528, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5626, by Senate Committee on Environment & Natural Resources (originally sponsored by Senators McMullen, Amondson and Snyder; by request of Washington Hardwoods Commission)

Revising provisions relating to the hardwood commission.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Cantwell spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5626, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Hine - 01.

Substitute Senate Bill No. 5626, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5651, by Senators Saling, Stratton, West and McCaslin

Adding the Little Spokane river to the scenic river system.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Belcher and Dellwo spoke in favor of passage of the bill, and Representatives Morton and McLean spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5651, and the bill passed the House by the following vote: Yeas - 80, Nays - 17, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 80.

Voting nay: Representatives Ballard, Beck, Berozoff, Casada, Chandler, Fuhrman, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Morton, Nealey, Padden, Prince, Wynne - 17.

Excused: Representative Hine - 01.

Senate Bill No. 5651, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Dorn, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 2:00 p.m. The Clerk called the roll and all members were present except Representatives Belcher, Day, Locke, McLean, Prentice and Sprengle. On motion of Ms. Casada, Representative McLean was excused. On motion of Ms. Cole, Representatives Day and Locke were excused.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1244,
 SUBSTITUTE HOUSE BILL NO. 1270,
 HOUSE BILL NO. 1364,
 SUBSTITUTE HOUSE BILL NO. 1460,
 HOUSE BILL NO. 1607,
 HOUSE BILL NO. 1625,
 HOUSE BILL NO. 1716,
 SUBSTITUTE HOUSE BILL NO. 1789,
 SUBSTITUTE HOUSE BILL NO. 1800,
 HOUSE BILL NO. 1812,
 SUBSTITUTE HOUSE BILL NO. 1824,
 SUBSTITUTE HOUSE BILL NO. 1915,
 HOUSE BILL NO. 2073.

The Speaker called on Representative R. Meyers to preside.

SECOND READING

MOTION

Mr. Dorn moved that the House immediately consider Second Substitute Senate Bill No. 5667 on the regular second reading calendar. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5667, by Senate Committee on Ways & Means (originally sponsored by Senators Niemi, West, Vognild, Bailey, Stratton, Saling, McMullen, L. Smith, Skratek and Sutherland)

Assuring access to local evaluation and treatment facilities.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 80th Day, April 3, 1991.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Health Care.

Mr. Braddock moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5667 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 3, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Belcher, Prentice, Sprenkle - 03.

Excused: Representatives Day, Locke, McLean - 03.

Second Substitute Senate Bill No. 5667, having received the constitutional majority, was declared passed.

Representatives Belcher and Locke appeared at the bar of the House.

MESSAGES FROM THE SENATE

April 15, 1991

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5004,
SENATE BILL NO. 5041,
SENATE BILL NO. 5077,
SUBSTITUTE SENATE BILL NO. 5288,
SENATE BILL NO. 5767,
SUBSTITUTE SENATE BILL NO. 5928,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 16, 1991

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1040,

HOUSE BILL NO. 1143,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

SENATE BILL NO. 5778, by Senators Newhouse and Hansen

Requiring persons filing reports of pesticide damage to cooperate with the department of agriculture.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5778, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 2, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Prentice, Sprenkle - 02.

Excused: Representatives Day, McLean - 02.

Senate Bill No. 5778, having received the constitutional majority, was declared passed.

Representatives McLean and Prentice appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5873, by Senators McDonald, Gaspard, Saling, Snyder, L. Smith, Johnson, Bauer, Rasmussen and Barr

Providing insurance coverage for retired and disabled school district employees.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 8, 1991.)

Ms. Spanel moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5873 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sprenkle - 01.

Excused: Representative Day - 01.

Substitute Senate Bill No. 5873, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5043, by Senators Nelson, Bailey, Vognild and Amondson; by request of Secretary of State

Authorizing facsimile filing of election documents.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 5, 1991.)

Mr. Anderson moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5043 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Sprenkle - 01.

Excused: Representative Day - 01.

Senate Bill No. 5043, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Mr. R. Meyers presiding) called the House to order.

Representatives Day and Sprenkle appeared at the bar of the House.

MOTION

Mr. Dorn moved that the House immediately consider Substitute Senate Bill No. 5008 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5008, by Senators Bluechel, Gaspard, Hayner, Snyder, Matson, Vognild, Cantu, McMullen, von Reichbauer, Nelson, McDonald, Barr, Sellar, Bailey, Moore, Conner and Bauer

Establishing the Pacific Northwest Economic Region.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cantwell and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5008, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5008, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5114, by Senate Committee on Ways & Means (originally sponsored by Senators Murray, Bailey, Bauer, Thorsness, Erwin, Gaspard, A. Smith, Rinehart, Madsen, Talmadge, Wojahn, Rasmussen, Conner and Snyder; by request of Task Force on Student Transportation Safety)

Requiring safety enhancements for student transportation.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 78th Day, April 1, 1991.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Education.

Mr. Braddock moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Fisher, Brough, Zellinsky and Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5114 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson,

Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Morton, Moyer, Nealey, Prince, Sheldon - 05.

Engrossed Substitute Senate Bill No. 5114, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of Engrossed Substitute Senate Bill No. 5156 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 5558, by Senators Sellar, Owen, Matson and Wojahn

Providing for the adoption and enforcement of child labor regulations.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Heavey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5558, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5558, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5745, by Senators Moore, Matson, West, McMullen, von Reichbauer, Murray, Stratton, Anderson and Bauer

Clarifying licensing requirements for special amusement games.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 5, 1991.)

Mr. Heavey moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Heavey spoke in favor of passage of the bill, and Mr. Dorn spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5745 as amended by the House, and the bill passed the House by the following vote: Yeas - 86, Nays - 12, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cooper, Day, Dellwo, Ebersole, Edmondson, Ferguson, Fisher, G., Forner, Franklin, Fraser, Fuhrman, Grant, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rayburn, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Brekke, Cole, Dorn, Fisher, R., Hargrove, Haugen, Jacobsen, Morris, Ogden, Rasmussen, Riley, Valle - 12.

Engrossed Senate Bill No. 5745, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5474, by Senators Rinehart, Bailey, Murray, West and Bauer

Planning a data collection and reporting system on children.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. G. Fisher moved adoption of the committee amendment.

Mr. Jones moved adoption of the following amendments to the committee amendment:

On page 2, line 6 of the amendment, after "force" insert "created in section 1 of this act"

On page 3, after line 3, strike all material down to and including "emergency;" on line 18 and insert:

NEW SECTION. Sec. 4. The legislature finds that an increasing number of children are entering the state's public schools with learning impairments caused by the use of drugs, alcohol, and tobacco by their mothers during pregnancy. Many of these children suffer from mental retardation, poor social abilities, low cognitive skills, attention deficit disorders, hyperactivity, or speech problems.

The legislature further finds that educating these children will require additional resources, and perhaps new educational strategies and techniques. The extent of these additional resources and the most appropriate strategies and techniques are not known at this time. If additional resources are not provided, teachers will be required to devote significant time to these students to the detriment of other children in the classroom.

The legislature further finds that many of these learning impairments are preventable, and that increased parental education on the effects of substance abuse during pregnancy would aid in reducing the number of children with learning impairments.

NEW SECTION. Sec. 5. The task force on the children of substance abusers is created. The task force shall:

(1) Consult with the task force created in section 1 of this act to identify current methods of data collection and reporting about children in Washington born affected by alcohol or drugs;

(2) Determine, to the extent feasible with available resources, the current and projected number of children in Washington born affected by alcohol or drugs, and estimate the number that can be expected to have learning impairments during school age;

(3) Investigate the nature of the special needs of children born affected by alcohol or drugs;

(4) Identify the categories of education and social services in the state likely to be significantly affected by changes in the number of children born affected by alcohol or drugs;

(5) Identify current public education and social service programs designed to address the special needs of children born affected by alcohol or drugs, including, to the extent feasible, total expenditures and number of children served;

(6) Identify current educational and treatment programs designed to reduce substance abuse during pregnancy, including, to the extent feasible, total expenditures and number of women served; and

(7) Based on the findings in subsections (1) through (6) of this section:

(a) Examine implications for the public school system and social services in Washington;

(b) Investigate promising models for addressing the needs of children born affected by alcohol or drugs within the public education and social service settings, including, to the extent feasible, estimates of cost per child;

(c) Investigate ways to reduce the problem of substance abuse during pregnancy, including, but not limited to, ways to reduce the social acceptance of alcohol and drug use during pregnancy and ways to reduce the availability of harmful substances to pregnant women;

(d) Investigate such related issues as the task force deems appropriate; and

(e) Develop recommendations for state action.

NEW SECTION. Sec. 6. (1) Membership on the task force created in section 5 of this act shall include representatives from the:

- (a) Senate, one each from the majority and minority parties, selected by the president of the senate;
- (b) House of representatives, one each from the majority and minority parties, selected by the speaker of the house of representatives;
- (c) Office of the superintendent of public instruction;
- (d) Department of health;
- (e) County health departments;
- (f) Department of social and health services;
- (g) University of Washington's center for child development and mental retardation;
- (h) Washington education association;
- (i) Association of Washington school principals;
- (j) Washington state school directors' association;
- (k) Washington association of school administrators;
- (l) Washington state parent-teachers association;
- (m) Learning disability association of Washington;
- (n) Department of community development;
- (o) Chemical dependency associations, not more than three representatives; and
- (p) Private advocacy groups serving families and children, not more than three representatives.

(2) Organizations shall select their respective representatives. The task force shall select a chair from among its members at its first meeting.

(3) All task force members shall be appointed within twenty days and the first meeting of the task force shall be within thirty days of the effective date of this act.

NEW SECTION. Sec. 7. Staff support for the task force created in section 5 of this act shall be provided by the office of the superintendent of public instruction.

NEW SECTION. Sec. 8. The task force created in section 5 of this act shall report its final findings and recommendations to the appropriate standing committees of the legislature before December 1, 1991.

NEW SECTION. Sec. 9. This act shall expire December 31, 1991.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

POINT OF ORDER

Ms. Miller: Thank you, Mr. Speaker. I ask that you rule on the scope and object of this amendment.

MOTION

Mr. Dorn moved that the House defer further consideration of Senate Bill No. 5474 and that the bill hold its place on the second reading calendar. The motion was carried.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Dorn, the House adjourned until 10:00 a.m., Wednesday, April 17, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 17, 1991

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representative Brekke.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kenny Baird and Brad Eddinger. Prayer was offered by The Reverend Josefa Veligitone, Minister of Ola Fou United Church of Christ, Seattle.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 16, 1991

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1358,
 HOUSE BILL NO. 2147,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5245,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 17, 1991

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5008,
 SUBSTITUTE SENATE BILL NO. 5128,
 SENATE BILL NO. 5141,
 SENATE BILL NO. 5558,
 SUBSTITUTE SENATE BILL NO. 5626,
 SENATE BILL NO. 5651,
 SENATE BILL NO. 5778,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

The Speaker (Mr. O'Brien presiding) called on Representative Dellwo to preside.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4658, by Representatives O'Brien, Wang, R. King Valle, Wilson, Wineberry, Fuhrman, Prince Nelson, Jacobsen, Heavey, Inslee and Anderson

WHEREAS, On April 17, 1900, representatives of the United States and chiefs of Samoa respectively entered into agreements whereby the islands of Tutuila, Anunu'u, and Manu'a were ceded to the United States with all sovereign rights; and

WHEREAS, Since that time the peoples of American Samoa and the United States have adhered to the purposes and obligations of the agreements of cession so entered; and

WHEREAS, American Samoans who have moved to the mainland, including Washington State, have become outstanding citizens, sharing their culture and talents; and

WHEREAS, Many of the American Samoans who have moved to south Seattle, Fort Lewis, Shelton, and Tacoma reaffirm their allegiance to the United States by celebrating April 17, commemorating the day the American Flag first flew over their homeland; and

WHEREAS, 1991 is the 91st Anniversary of the signing of the treaties and friendship between our cultures and communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate this occasion by recognizing April 17, 1991, as Samoan Flag Day; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the leaders of the Samoan community in King and Pierce Counties.

Mr. O'Brien moved adoption of the resolution. Representatives O'Brien and Jacobsen spoke in favor of the resolution.

House Resolution No. 91-4658 was adopted.

The Speaker (Mr. Dellwo presiding) declared the House to be at ease.
The Speaker (Mr. Zellinsky presiding) called the House to order.

MOTION

On motion of Ms. Hine, the House recessed until 1:45 p.m.

AFTERNOON SESSION

The Speaker (Mr. R. Meyers presiding) called the House to order at 1:45 p.m. The Clerk called the roll and all members were present except Representatives Ebersole, Fuhrman, Locke, H. Myers, Prince and Silver. On motion of Ms. Roland, Representatives Ebersole, Locke and H. Myers were excused. On motion of Ms. Casada, Representatives Fuhrman, Prince and Silver were excused.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 16, 1991

HB 1034 Prime Sponsor, Representative H. Sommers: Changing limits on issuance of evidences of indebtedness. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: That Substitute House Bill No. 1034 be substituted therefor, and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Fraser; Heavey; Jacobsen; Ogden; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Schmidt, Ranking Minority Member; Neher, Assistant Ranking Minority Member; Brough; Casada; and Silver.

Voting nay: Representatives Schmidt, Ranking Minority Member; Neher, Assistant Ranking Minority Member; Braddock; Brough; Casada; and Silver.

Excused: Representative Beck.

April 16, 1991

HB 1430 Prime Sponsor, Representative H. Sommers: Issuing general obligation and revenue bonds. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: That Substitute House Bill No. 1430 be substituted therefor, and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schmidt, Ranking Minority Member; Neher, Assistant Ranking Minority Member; Casada; Fraser; Heavey; Jacobsen; Ogden; Peery; Silver; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Braddock and Brough.

Excused: Representatives Beck and Braddock.

April 16, 1991

HB 1810 Prime Sponsor, Representative R. Fisher: Financing the state patrol headquarters construction project. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: The substitute bill by Committee on Transportation be substituted therefor, and the substitute bill do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of fifty million one hundred fifty thousand dollars, or as much thereof as may be required, to finance the state patrol headquarters construction project parking facility and nonparking components described and authorized by the legislature in the capital and operating appropriations acts for the 1991-93 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

NEW SECTION. Sec. 2. Bonds issued under section 1 of this act are subject to the following conditions and limitations:

General obligation bonds of the state of Washington in the sum of fifty million one hundred fifty thousand dollars, or as much thereof as may be required, shall be issued for the state patrol headquarters construction project described and authorized by the legislature in the capital and operating appropriations acts for the 1991-93 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such project, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. Forty-two million two hundred forty thousand dollars of the bonds, or as much thereof as may be required, shall be solely for the nonparking component of the project, otherwise designated in this chapter as the building, and seven million nine hundred twenty thousand dollars of the bonds, or as much thereof as may be required, shall be solely for the parking facility component of the project. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the state patrol headquarters construction project shall be deposited in the state patrol construction account hereby created in the state treasury.

These proceeds shall be used exclusively for the purposes specified in this section, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the Washington state patrol, subject to legislative appropriation. Notwithstanding the authority granted the department of general administration in RCW 79.24.560, the director of general administration shall

give absolute priority to the state patrol for use of the building. Thereafter, priority consideration shall be given to other transportation agencies for use of additional space in the building.

NEW SECTION. Sec. 3. Both principal of and interest on the bonds issued for the state patrol headquarters construction project parking facility and nonparking components shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

On or before June 30th of each year, the state finance committee shall certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

NEW SECTION. Sec. 4. Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 5. (1) The director of the office of financial management, in consultation with the Washington state patrol, the department of general administration, and the appropriate legislative committees, shall notify the state financial committee, on or before June 30th of each year, of the relative shares of the principal and interest requirements determined pursuant to section 3 of this act, attributable to the state patrol headquarters construction project parking facility and nonparking components in proportion to the principal amount of bonds issued under this chapter for purposes of funding each component.

(2) On each date on which any interest or principal and interest payment is due, the state finance committee shall certify to the state treasurer the amount for the state patrol headquarters construction project nonparking component to be paid out of the state patrol highway account for deposit into the general fund of the state treasury. At the time of sale of the bonds issued under this chapter, and on or before June 30th of each succeeding year while such bonds remain outstanding, the state finance committee shall determine, based on current balances and estimated receipts and expenditures from the state patrol highway account, that portion of principal and interest on the bonds issued under section 1 of this act, subject to section 2 of this act, which will, by virtue of payments from the state patrol highway account, be reimbursed from sources other than "general state revenues" as that term is defined in Article VIII, section 1 of the state Constitution. The amount so determined by the state finance committee, as from time to time adjusted in accordance with this section, shall not constitute indebtedness for purposes of the limitations set forth in RCW 39.42.060.

(3) On each date on which any interest or principal and interest payment is due the state finance committee shall certify to the state treasurer the amount due for the state patrol headquarters construction project parking component to be paid out of the capitol building construction account for deposit into the general fund of the state treasury. At the time of sale of the bonds issued under this chapter, and on or before June 30th of each succeeding year while such bonds remain outstanding, the state finance committee shall determine, based on current balances and estimated receipts and expenditures from the capitol building construction account, that portion of principal and interest on the bonds issued under section 1 of this act, subject to section 2 of this act, which will, by

virtue of payments from the capitol building construction account, be reimbursed from sources other than "general state revenues" as that term is defined in Article VIII, section 1 of the state Constitution. The amount so determined by the state finance committee, as from time to time adjusted in accordance with this section, shall not constitute indebtedness for purposes of the limitations set forth in RCW 39.42.060.

NEW SECTION. Sec. 6. In addition to any other charges authorized by law and to assist in the reimbursement of principal and interest payments on bonds issued for the purposes of the state patrol headquarters construction project, the following revenues may be collected and transferred:

(1) The director of general administration in consultation with the office of financial management and the appropriate legislative committees shall assess a charge against each state board, commission, agency, office, department, activity, or other occupant, of the facility or building constructed with bonds issued for the state patrol headquarters construction project nonparking component. The charge shall be based on the percentage of space occupied relative to the total required annual principal and interest payments due for the entire building. The director of general administration shall deposit the payment in the state patrol highway account.

In order to determine the fair share of debt service for each fund or account, before the building is occupied, on the building component of the state patrol headquarters construction project, the office of financial management shall determine a pro rata share of each fund or account based upon the percentage of total Washington state patrol headquarters programs or functions projected to occupy the building supported by each fund or account. The office of financial management shall then notify the state treasurer of the amounts to transfer from the various fund sources to the Washington state patrol highway account based on those pro rata amounts.

(2) The director of general administration, after such time as the current restrictions on capitol campus parking revenues have expired, shall deposit all parking rental income collected by the department of general administration from parking space developed as a part of the facility constructed with bonds issued for the state patrol headquarters construction project parking facility component, into the capitol building construction account.

NEW SECTION. Sec. 7. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and section 3 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 8. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 2 of the title, after "project;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and declaring an emergency."

Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schmidt, Ranking Minority Member; Neher, Assistant Ranking Minority Member; Braddock; Fraser; Heavey; Jacobsen; Ogden; Peery; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Brough; Casada; and Silver.

Voting nay: Representatives Brough and Silver.

Excused: Representative Beck.

April 16, 1991

HB 2198 Prime Sponsor, Representative Dellwo: Making changes to the joint center for higher education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Brekke; Dorn; Ebersole; Ferguson; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; and Vance.

Voting nay: Representative Braddock.

Excused: Representatives Fuhrman; Hine; Sprenkle; and Wineberry.

MOTION

Mr. Dorn moved that the rules be suspended and the bills listed on today's committee reports under the fifth order of business be placed on the second reading calendar.

MOTION

Ms. Miller moved that the rules be suspended and Substitute Senate Bill No. 5644 and Senate Bill No. 5940 be placed on the second reading calendar.

SPEAKER'S RULING

The Speaker (Mr. R. Meyers presiding): Representative Miller, although the Speaker would like to help you, the bills are not on today's committee reports. The motion is out of order.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be the motion by Mr. Dorn to suspend the rules and place on the second reading calendar the bills listed on today's committee reports.

Ms. Miller spoke against the motion.

The motion was carried.

Representatives Fuhrman and Prince appeared at the bar of the House.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Dorn moved that the House immediately consider House Bill No. 2187 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2187, by Representatives O'Brien, Dellwo, Brough, Anderson, May, Kremen, Beck, Zellinsky, Miller, Day, Basich, Riley, R. King, Rasmussen, Prentice, Ferguson, Padden, Broback, Ballard, Edmondson, Brumsickle, P. Johnson, Bowman, Wynne, Mielke, Casada, Nealey, Van Luven, Fuhrman, Holland, Wilson, Schmidt, Neher, Lisk, Rayburn, Scott, Roland, Ogden, Orr, Haugen, Jacobsen, Cole, Pruitt, McLean, Tate, Morton, Valle, Dorn, Heavey, Franklin, Cantwell and Leonard

Exempting nonprofit organization auctions from excise tax.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 2187 was substituted for House Bill No. 2187, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2187 was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives O'Brien, Holland, Padden and May spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2187, and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice,

Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Belcher, Braddock, Brekke, Fisher, R., Sommers, H. - 05.

Excused: Representatives Ebersole, Locke, Myers, H., Silver - 04.

Substitute House Bill No. 2187, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. O'Brien, Substitute House Bill No. 2187 was transmitted immediately to the Senate.

MOTION

Mr. Dorn moved that the House immediately consider Substitute Senate Bill No. 5010 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5010, by Senate Committee on Ways & Means (originally sponsored by Senators Moore, West and Conner)

Including occupational therapy coverage in the department of social and health services limited casualty program.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 8, 1991.)

On motion of Ms. Spanel, the committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5010 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell,

Morris, Morton, Moyer, Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Ebersole, Locke, Myers, H., Silver - 04.

Substitute Senate Bill No. 5010 as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5083, by Senate Committee on Ways & Means (originally sponsored by Senators L. Smith, Snyder, Oke and Rasmussen)

Reconstructing salmon hatcheries.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. R. King moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5083 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Ebersole, Locke, Myers, H., Silver - 04.

Second Substitute Senate Bill No. 5083 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5107, by Senators Nelson, A. Smith and Newhouse

Making multiple changes to the statutes governing corporations.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5107, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Ebersole, Locke, Myers, H., Silver - 04.

Senate Bill No. 5107, having received the constitutional majority, was declared passed.

Representative H. Myers appeared at the bar of the House.

SENATE BILL NO. 5148, by Senators Nelson, A. Smith and Newhouse

Making multiple revisions concerning limited partnerships.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 5, 1991.)

Mr. Ludwig moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5148 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Ebersole, Locke, Silver - 03.

Senate Bill No. 5148 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5204, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators West and Niemi; by request of Department of Health)

Changing licensure provisions for licensed practical nurses.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 80th Day, April 3, 1991.)

Mr. Braddock moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5204 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R.,

Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Ebersole, Locke, Silver - 03.

Substitute Senate Bill No. 5204 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5231, by Senator McCaslin

Providing that examinations not be required for real estate licensees' continuing education.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, april 5, 1991.)

Mr. Heavey moved adoption of the committee amendments.

Mr. Heavey moved adoption of the following amendment by Representatives Heavey and Beck to the committee amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.85.165 and 1988 c 205 s 1 are each amended to read as follows:

All real estate brokers and salespersons shall furnish proof as the director may require that they have successfully completed a total of thirty clock hours of instruction every two years in real estate courses approved by the director in order to renew their licenses. Up to fifteen clock hours of instruction beyond the thirty hours in two years may be carried forward for credit in a subsequent two-year period. To count towards this requirement, a course shall be commenced within thirty-six months before the proof date for renewal. Examinations shall not be required to fulfill any part of the education requirement in this section. This section shall apply to renewal dates after January 1, 1991.

Sec. 2. RCW 18.85.140 and 1989 c 161 s 2 are each amended to read as follows:

Before receiving his or her license every real estate broker, every associate real estate broker, and every real estate salesperson must pay a license fee as prescribed by the director by rule. Every license issued under the provisions of this chapter expires on the applicant's second birthday following issuance of the license. Licenses issued to partnerships expire on a date prescribed by the director by rule. Licenses issued to corporations expire on a date prescribed by the director by rule, except that if the corporation registration or certificate of authority filed with the secretary of state expires, the real estate broker's license issued to the corporation shall expire on that date. Licenses must be renewed every two years on or before the date established under this section and a biennial renewal license fee as prescribed by the director by rule must be paid.

If the application for a renewal license is not received by the director on or before the renewal date, a penalty fee as prescribed by the director by rule shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

The license of any person whose license renewal fee is not received within one year from the date of expiration shall be canceled. This person may obtain a new license by satisfying the procedures and ~~((qualifications for initial licensing, including the successful completion of any applicable examinations))~~ requirements as prescribed by the director by rule.

The director shall issue to each active licensee a license and a pocket identification card in such form and size as he or she shall prescribe.

Representatives Heavey and Fuhrman spoke in favor of adoption of the amendment, and it was adopted.

The committee amendments as amended were adopted.

With consent of the House, the following amendment by Representatives Heavey and Beck to the title was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "and amending RCW 18.85.165 and 18.85.140."

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Heavey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5231 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Ebersole, Locke, Silver - 03.

Senate Bill No. 5231 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker (Mr. R. Meyers presiding) called the House to order.

MOTION

Mr. Dorn moved that the House immediately consider Engrossed Substitute Senate Bill No. 5256 on the regular second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5256, by Senate Committee on Law & Justice (originally sponsored by Senators Nelson, A. Smith and Newhouse).

Providing franchise investment protection.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 75th Day, March 29, 1991.) Committee on Revenue recommendation: Majority, do pass as amended by Committee on Commerce & Labor and as amended by Committee on Revenue. (For committee amendment, see Journal, 85th Day, April 8, 1991.)

Mr. Heavey moved adoption of the committee amendments by Committee on Commerce & Labor and spoke in favor of them. The committee amendments were adopted.

On motion of Ms. Fraser, the committee amendment by Committee on Revenue was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Heavey and Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5256 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Ebersole, Locke, Silver - 03.

Engrossed Substitute Senate Bill No. 5256 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5261, by Senate Committee on Education (originally sponsored by Senators Bailey, Vognild, McMullen, Newhouse, Madsen, Oke, Rinehart and Conner)

Requiring new schools to have automatic fire equipment.

The bill was read the second time.

Mr. Neher moved adoption of the following amendment by Representatives Neher, Schmidt and Peery:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 19.27 RCW to read as follows:

The building code council shall adopt rules by December 1, 1991, requiring that all buildings classed as E-1 occupancies, as defined in the state building code, except portable school classrooms, constructed after the effective date of this act, be provided with an automatic fire-extinguishing system. Rules adopted by the council shall consider applicable nationally recognized fire and building code standards and local conditions.

By December 15, 1991, the council shall transmit to the superintendent of public instruction, the state board of education, and the fire protection policy board copies of the rules as adopted. The superintendent of public instruction, the state board of education, and the fire protection policy board shall respond to the council by February 15, 1992, with any recommended changes to the rule. If changes are recommended the council shall immediately consider those changes to the rules through its rule-making procedures. The rules shall be effective on July 1, 1992.

Sec. 2. RCW 48.48.045 and 1986 c 266 s 69 are each amended to read as follows:

Nonconstruction standards ((for construction)) relative to fire prevention and safety for all schools under the jurisdiction of the superintendent of public instruction and state board of education shall be established by the state fire protection board. ~~((The director of community development, through the director of fire protection, shall adopt such nationally recognized fire and building codes and standards as may be applicable to local conditions. After the approval of such standards by the superintendent of public instruction and the state board of education, the director of community development, through))~~ The director of fire protection((,)) shall make or cause to be made plan reviews and construction inspections for all E-1 occupancies as may be necessary to insure compliance with ((said codes)) the state building code and standards for schools adopted under chapter 19.27 RCW. Nothing in this section prohibits the director of fire protection from delegating construction inspection authority to any local jurisdiction.

~~((Political subdivisions of the state having and enforcing such fire and building codes and standards at least equal to or higher than those adopted as provided for in this section shall be exempted from the plan review and construction inspection provisions of this section within their respective subdivision for as long as such codes and standards are enforced.))~~

Mr. Neher spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Neher, Schmidt and Peery to the title was adopted:

On page 1, line 2 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 48.48.045; and adding a new section to chapter 19.27 RCW."

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery and Neher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5261 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Ebersole, Locke, Silver - 03.

Substitute Senate Bill No. 5261 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider Substitute Senate Bill No. 5374 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5374, by Senate Committee on Ways & Means (originally sponsored by Senators Anderson, Newhouse, Vognild, West, Conner and Thorsness)

Establishing the industrial insurance labor-management cooperation program.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5374, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Ebersole, Locke, Silver - 03.

Substitute Senate Bill No. 5374, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5441, by Senators Rasmussen, Nelson, Hayner and Johnson

Amending bookmaking provisions.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5441, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Ebersole, Locke, Silver - 03.

Senate Bill No. 5441, having received the constitutional majority, was declared passed.

Representative Silver appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5456, by Senate Committee on Higher Education (originally sponsored by Senators Saling, Cantu and Bluechel)

Modifying tenure at community colleges.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Jacobsen moved adoption of the committee amendment.

Mr. Dellwo moved adoption of the following amendment to the committee amendment:

On page 4, line 9 of the amendment, after "authority" strike "may" and insert "shall"

Representatives Dellwo and R. King spoke in favor of adoption of the amendment to the committee amendment, and Representatives Jacobsen and Miller spoke against it. The amendment to the committee amendment was not adopted.

Mr. Holland moved adoption of the following amendment to the committee amendment by Representatives Holland, Hine, Dellwo and R. King:

Beginning on page 4, after line 19 of the amendment, strike all of section 5

Renumber the sections consecutively and correct internal references accordingly.

Mr. Holland spoke in favor of adoption of the amendment to the committee amendment, and Ms. Miller spoke against it. The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5456 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, and Mr. Speaker - 93.

Voting nay: Representatives Dellwo, King, R., Zellinsky - 03.

Excused: Representatives Ebersole, Locke - 02.

Substitute Senate Bill No. 5456 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5458, by Senate Committee on Ways & Means (originally sponsored by Senators L. Smith, Jesernig, Bauer and Newhouse)

Establishing regional service centers for the deaf.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Ms. Leonard moved adoption of the committee amendment. Representatives Leonard and Winsley spoke in favor of adoption of the committee amendment, and Ms. Bowman spoke against it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Day and Ogden spoke in favor of passage of the bill, and Representatives Bowman and Beck spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5458 as amended by the House, and the bill passed the House by the following vote: Yeas - 81, Nays - 15, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser,

Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, Meyers, R., Mielke, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Broback, Fuhrman, Horn, May, McLean, Miller, Morton, Nealey, Padden, Vance, Wynne - 15.

Excused: Representatives Ebersole, Locke - 02.

Substitute Senate Bill No. 5458 as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I meant to vote "Yea" on final passage of Substitute Senate Bill No. 5458 as amended by the House.

JOHN C. WYNNE, District 39A.

SUBSTITUTE SENATE BILL NO. 5536, by Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness, Rasmussen, Madsen, L. Kreidler, A. Smith, Erwin, Newhouse, Jesernig, Sutherland, Saling, Bauer and Stratton)

Studying the state's telecommunication services for the hearing impaired.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 8, 1991.)

Ms. Spanel moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Grant and May spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5536 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell,

Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Ebersole, Locke - 02.

Substitute Senate Bill No. 5536 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5766, by Senators Pelz, Bailey, Rinehart, Erwin, Murray, Anderson, A. Smith, Newhouse, Stratton and Bauer

Creating an academic excellence program for at-risk youth.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. G. Fisher moved adoption of the committee amendment on page 2, line 23, and spoke in favor of it. The committee amendment was adopted.

Mr. G. Fisher moved adoption of the committee amendment on page 3, line 4, and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5766 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Ebersole, Locke - 02.

Senate Bill No. 5766 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5770, by Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness and Saling)

Authorizing obtaining electrical supplies through conservation and generation.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Cooper moved adoption of the committee amendment.

Mr. Grant moved adoption of the following amendment to the committee amendment:

On page 1, line 26, after "for" insert "providing electric, gas, or water"

Mr. Grant spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Cooper spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5770 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Jacobsen - 01.

Excused: Representatives Ebersole, Locke - 02.

Engrossed Substitute Senate Bill No. 5770 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5779, by Senators Bauer, Rinehart, Bailey and Sutherland

Requiring direct appropriations to the school for the deaf and the school for the blind.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5779, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Ebersole, Locke - 02.

Senate Bill No. 5779, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5835, by Senate Committee on Law & Justice (originally sponsored by Senators Sellar, Talmadge and Nelson)

Giving the parks and recreation commission responsibility for signs on aerial ski lifts.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Belcher and Beck spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5835, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Ebersole, Locke - 02.

Substitute Senate Bill No. 5835, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5301, by Senate Committee on Governmental Operations (originally sponsored by Senators Snyder and Conner)

Authorizing certain cities and counties bordering the Pacific Ocean to levy a special excise tax to provide funding for public facilities.

The bill was read the second time.

Ms. Spanel moved adoption of the following amendments by Representatives Spanel and R. Johnson:

On page 1, line 7, after "city" insert "on a San Juan Island or"

On page 3, line 29, after "purposes." insert "In addition, any city with a population of not less than one thousand on one of the San Juan islands or the county within which such a city is located may use the proceeds of such taxes for the acquisition, construction, or operation of publicly owned facilities that are used (a) for county fairs occurring no more than once a year and not extending over a period of more than seven days, or (b) to mitigate the impacts of tourism."

POINT OF ORDER

Mr. Padden: Thank you, Mr. Speaker. I'd like a ruling on scope and object of the amendments.

MOTION

Mr. Dorn moved that the House defer further consideration of Substitute Senate Bill No. 5301 and that the bill hold its place on the second reading calendar. The motion was carried.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HB 2201 by Representatives Wood, Beck, H. Myers, Wilson, Prentice, Paris, Heavey and Neher

AN ACT Relating to multiple dwelling units' tenants' access to cable television systems; and adding new sections to chapter 59.18 RCW.
Referred to Committee on Housing.

The Speaker (Mr. R. Meyers presiding) referred the bill listed on today's introduction sheet under the fourth order of business to the committee so designated.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Dorn, the House adjourned until 10:00 a.m., Thursday, April 18, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 18, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Nelson.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Laura Fleisher and Marissa Karras. Prayer was offered by The Reverend Kevin Gerald, Minister of World Outreach Center of Puyallup.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 16, 1991

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1244,
 SUBSTITUTE HOUSE BILL NO. 1270,
 HOUSE BILL NO. 1364,
 SUBSTITUTE HOUSE BILL NO. 1460,
 HOUSE BILL NO. 1607,
 HOUSE BILL NO. 1625,
 HOUSE BILL NO. 1716,
 SUBSTITUTE HOUSE BILL NO. 1789,
 SUBSTITUTE HOUSE BILL NO. 1800,
 HOUSE BILL NO. 1812,
 SUBSTITUTE HOUSE BILL NO. 1824,
 SUBSTITUTE HOUSE BILL NO. 1915,
 HOUSE BILL NO. 2073,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 17, 1991

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1196,
 HOUSE BILL NO. 2057,

SENATE BILL NO. 5959,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 17, 1991

Mr. Speaker:

The Senate concurred in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5341, and passed the bill as amended by the House.

W. D. Naismith, Deputy Secretary.

There being no objection, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE RESOLUTION NO. 91-4683, by Representatives Vance and Roland

WHEREAS, The National Historical Pictorial Map Contest, sponsored by the Commission on the Bicentennial of the United States Constitution, encourages the study of geography, especially within the context of early American history; and

WHEREAS, Students are asked to graphically and artistically portray on a prepared map, circa 1787, historical and geographical events significant to the development of early American history; and

WHEREAS, The competition is held at the elementary, junior high, and high school levels, and key elements in the competition include historical accuracy, artistic creativity, and imagination; and

WHEREAS, Winners of the competition will be chosen at the congressional district level, the state level, and the national level; and

WHEREAS, Students from the Main Street School in Auburn, Washington, have won the National Pictorial Map Contest at the state level. Arianne Hodson, Allan Miller, and Katie Suchland created the winning map, and Christopher Miller won second prize in the district eight contest;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor these students' outstanding accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Arianne Hodson, Allan Miller, Katie Suchland, and Christopher Miller.

Mr. Vance moved adoption of the resolution. Representatives Vance and Roland spoke in favor of the resolution.

House Resolution No. 91-4683 was adopted.

HOUSE RESOLUTION NO. 91-4682, by Representatives Broback, Winsley, McLean and Ballard

WHEREAS, The State of Washington applauds those educators who promote and encourage an interest in science by providing quality science experiences for students and teachers; and

WHEREAS, Bob Sotak and Jack Brantner have been named to the 1991 National Honor Roll of science teachers by the Association of Science-Technology Centers and Pacific Science Center for their exemplary use of community resources to enhance and expand the science enrichment opportunities available to students and teachers in their districts; and

WHEREAS, Bob Sotak is Curriculum Specialist for the Clover Park School District and coordinates and encourages the district's participation in several Pacific Science Center education programs, including developing teacher workshops specific to Clover Park teachers; and

WHEREAS, Jack Brantner is K-12 Science Cooperative Consultant for the North Central Educational Service District and has been instrumental in expanding Pacific Science Center resources available to rural communities in Eastern Washington and teaches Science Celebration enrichment classes for children; and

WHEREAS, Bob Sotak and Jack Brantner, along with approximately forty other persons being named to the 1991 National Honor Roll, will be honored in Washington, D.C. on April 24, 1991, before members of Congress; and

WHEREAS, The National Science Foundation has declared April 21 through 27, 1991, National Science and Technology Week to convey the importance of science to the nation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Bob Sotak and Jack Brantner for their outstanding efforts as science educators; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the Pacific Science Center for its dedication to providing interactive science, mathematics, and technology education to students and teachers throughout the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Bob Sotak, Jack Brantner, and the Directors of the Association of Science-Technology Centers and Pacific Science Center.

Mr. Broback moved adoption of the resolution. Representatives Broback, Winsley, McLean and Neher spoke in favor of the resolution.

House Resolution No. 91-4682 was adopted.

HOUSE RESOLUTION NO. 91-4663, by Representatives Heavey, Jacobsen, Schmidt, Peery, Nelson, Ogden, Kremen, Silver, Rasmussen, Wilson, Cantwell, Dorn, Fuhrman, H. Sommers, Wood, Wang, Wynne, Fraser, Riley, Braddock, Chandler, Ludwig, Prentice, Forner, Basich, Betrozoff and Day

WHEREAS, The nation-wide prominence and respect bestowed on the University of Washington's athletic program has been facilitated largely by efforts of one person - Milo R. "Mike" Lude; and

WHEREAS, During Mike Lude's fifteen-year service as the University of Washington's athletic director, the facilities, equipment, and coaching offered by the Husky program has enabled the men and women involved in Husky intercollegiate sports to do their best; and

WHEREAS, Mike Lude has dedicated forty-four years to student athletics, twenty-three years as a coach of football and baseball and twenty-one years as an athletic director; and

WHEREAS, Mike Lude has not only served the state of Washington but the nation through his leadership and participation in the National Collegiate Athletic Association (NCAA), where he has chaired the post-season football committee, the officiating improvement committee, and the football rules committee, the Pacific-10 Conference, where he has chaired the budget and finance committee and the television committee in addition to serving on the Rose Bowl management committee; and

WHEREAS, His fellow athletic directors of the National Association of Collegiate Directors of Athletics recognized the leadership of Mike Lude by awarding him the prestigious James J. Corbett Award in 1988; and

WHEREAS, The new Husky Stadium, the Tye Center, the Nordstrom Tennis Center, the student counseling center in the remodelled Graves Building, and many other capital improvements at the University of Washington will remain as tributes of the foresight and leadership of Mike Lude; and

WHEREAS, The greatest honor for the state of Washington and to Husky athletics, and which signifies Mike Lude's integrity and concern for student athletics, is the national success of the Huskies at the highest level of collegiate athletics achieved by students participating in a program that is financially self-sufficient and that has never been sanctioned by the NCAA; and

WHEREAS, Mike Lude's concern for the student athlete is evident by the enhanced counseling services available to student athletes and by his long participation and leadership in the Fellowship of Christian Athletes;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the service, leadership, and recognition Mike Lude brought to the state of Washington and the University of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize and honor the support and sacrifice of Rena Lude, Mike's wife, and Cynthia, Janann, and Jill Lude, his daughters, that enabled Mike Lude to accomplish so much; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mike Lude and his family.

Mr. Heavey moved adoption of the resolution. Representatives Heavey, Ogden, Betrozoff, Basich, Ferguson and Jacobsen spoke in favor of the resolution.

House Resolution No. 91-4663 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) introduced Mr. Milo R. "Mike" Lude and his wife Rena. Mr. Lude briefly addressed the members of the House of Representatives.

MOTION

Ms. Miller moved that Committee on Rules be relieved of Substitute Senate Bill No. 5644 and that the bill be placed on the second reading calendar.

Mr. Ebersole spoke against the motion.

Mr. D. Sommers demanded an electric roll call vote, and the demand was sustained.

Mr. Padden spoke in favor of the motion.

POINT OF ORDER

Mr. Anderson: Mr. Speaker, I would ask you to direct the gentleman to confine his remarks to the motion before us, the motion to relieve the committee.

SPEAKER'S RULING

The Speaker (Mr. O'Brien presiding): Your point is well taken. You have to hold your remarks to why you want the House to consider this motion or this bill, Substitute Senate Bill No. 5644. It is a very narrow area.

Mr. Padden continued his remarks in favor of the motion.

SPEAKER'S RULING

The Speaker (Mr. O'Brien presiding): You are out of order, Representative Padden.

ROLL CALL

The Clerk called the roll on the motion by Representative Miller to relieve Committee on Rules of Substitute Senate Bill No. 5644 and place the bill on the second reading calendar, and the motion was not carried by the following vote: Yeas - 40, Nays - 57, Absent - 1, Excused - 0.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 40.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 57.

Absent: Representative Nelson - 01.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5022, by Senate Committee on Ways & Means (originally sponsored by Senators Gaspard, Bailey, Rinehart, von Reichbauer, Murray, Conner and Erwin)

Changing the Washington award for excellence in education program.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Education and as amended by Committee on Appropriations. (For committee amendments, see Journal, 85nd Day, April 8, 1991.)

On motion of Mr. Peery, the committee amendments by Committee on Education were adopted.

Ms. Spanel moved adoption of the committee amendments by Committee on Appropriations and spoke in favor of them. The committee amendments were adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5022 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R.,

Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Nelson - 01.

Second Substitute Senate Bill No. 5022 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

Representative Nelson appeared at the bar of the House.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4662, by Representatives R. Johnson, Spanel, Haugen and Wilson

WHEREAS, The State Class AA Boys Basketball Tournament traditionally showcases exceptionally talented high school teams from throughout the state; and

WHEREAS, The Mount Vernon High School Bulldogs have an outstanding academic and athletic tradition; and

WHEREAS, The Bulldogs capped an excellent 1991 season by winning the Class AA State Basketball title on Saturday, March 9, 1991; and

WHEREAS, The final game showcased the exceptional talent of the team, in an exciting 59 to 52 victory; and

WHEREAS, The entire community of Mount Vernon has rallied around this team, and the school, in appreciation of the outstanding academic and athletic tradition of all of its teams; and

WHEREAS, The Bulldogs displayed their prominent team spirit, athletic skill, intensity, and determination in winning the state crown;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize winning team members Donnie Keltz, Dave Garcia, Brad Johnson, Ryan Kies, Steve Bertelsen, Chad Weyers, Bill Cornelius, Troy Holmes, Mark Hendrickson, Matt Wollberg, Trent Kies, and Todd Thompson; and

BE IT FURTHER RESOLVED, That the House of Representatives also recognize and applaud the leadership of Coach Mac Fraser, Assistant Coaches Scott Stromer, Robert Hancock, Doug Maynard, Athletic Director John Boisen, team managers Terry Stephens, Tony Stephens, Randy Dills, and Principal Hal Ellis; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Bulldogs Head Coach, Mac Fraser, Mount Vernon High School's Principal, Hal Ellis, and to the Student Body President at Mount Vernon High School.

Mr. R. Johnson moved adoption of the resolution and spoke in favor of it.

House Resolution No. 91-4662 was adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5003,
 SUBSTITUTE SENATE BILL NO. 5030,
 SENATE BILL NO. 5220,
 SENATE BILL NO. 5221,
 ENGROSSED SENATE BILL NO. 5311,
 SUBSTITUTE SENATE BILL NO. 5381,
 SENATE BILL NO. 5391,
 SENATE BILL NO. 5434,
 SUBSTITUTE SENATE BILL NO. 5450,
 SUBSTITUTE SENATE BILL NO. 5577,
 SENATE BILL NO. 5586,
 SENATE BILL NO. 5630,
 SUBSTITUTE SENATE BILL NO. 5645.

MOTION

On motion of Mr. Ebersole, the House recessed until 1:45 p.m.

AFTERNOON SESSION

The Speaker (Mr. R. Meyers presiding) called the House to order at 1:45 p.m. The Clerk called the roll and all members were present except Representatives Day, R. King, Locke, Pruitt, Scott, Silver and H. Sommers. On motion of Ms. Casada, Representative Silver was excused.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2198 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2198, by Representatives Dellwo, H. Sommers, Locke, Silver, Jacobsen, O'Brien, Orr, Moyer, Day, Ebersole, D. Sommers, Wang, Mielke, Wood, Rust, Anderson, Dorn, Morris, Phillips, Hine, Kremen, Riley, Rasmussen, Spanel, Braddock, Sprenkle, Inslee, Winsley, Sheldon, Bray, Leonard, Ogden, Franklin, R. Johnson, R. Fisher, Fraser, Valle, H. Myers, Paris, Peery, R. Meyers, Jones, Zellinsky, Van Luven, Rayburn, Pruitt, R. King, Ferguson, G. Fisher, Padden, Basich, Ludwig, Haugen, Cole, Cantwell, Cooper, Nelson, Hochstatter, Chandler, Forner, P. Johnson, Casada, Brumsickle, Vance, McLean, Mitchell, Tate, Horn, Lisk, Wynne, Beck, Fuhrman, Ballard and Morton

Making changes to the joint center for higher education.

The bill was read the second time.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and D. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2198, and the bill passed the House by the following vote: Yeas - 90, Nays - 1, Absent - 6, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representative Braddock - 01.

Absent: Representatives Day, King, R., Locke, Pruitt, Scott, Sommers, H. - 06.

Excused: Representative Silver - 01.

House Bill No. 2198, having received the constitutional majority, was declared passed.

Representatives Day, Locke, Scott, Silver and H. Sommers appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House immediately consider Substitute Senate Bill No. 5776 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5776, by Senate Committee on Commerce & Labor (originally sponsored by Senator McMullen)

Regulating alcoholic beverages.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Heavey moved adoption of the committee amendment.

POINT OF ORDER

Mr. Padden: Mr. Speaker, I would like a ruling on scope and object of the committee amendment.

MOTION

Mr. Dorn moved that the House defer further consideration of Substitute Senate Bill No. 5776 and that the bill hold its place on the second reading calendar. The motion was carried.

MESSAGES FROM THE SENATE

April 17, 1991

Mr. Speaker:

The Senate has passed:

SENATE BILL NO: 5827,

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 18, 1991

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5107,
SECOND SUBSTITUTE SENATE BILL NO. 5341,
SUBSTITUTE SENATE BILL NO. 5374,
SENATE BILL NO. 5441,
SENATE BILL NO. 5779,
SUBSTITUTE SENATE BILL NO. 5835,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Mr. Dorn moved that the House immediately consider Senate Bill No. 5015 on the regular second reading calendar. The motion was carried.

SENATE BILL NO. 5015, by Senators Metcalf, Oke and Thorsness

Providing for landowner liability protection for volunteer projects.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5015, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 2, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Heavey - 01.

Absent: Representatives King, R., Pruitt - 02.

Senate Bill No. 5015, having received the constitutional majority, was declared passed.

Representative Pruitt appeared at the bar of the House.

SENATE BILL NO. 5023, by Senators Talmadge and Nelson

Providing expenses for defending against frivolous court actions.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5023, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Johnson P. - 01.

Absent: Representative King, R. - 01.

Senate Bill No. 5023, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Please record a "Yes" vote for me on final passage of Senate Bill No. 5023.
PEGGY JOHNSON, 35th District.

SUBSTITUTE SENATE BILL NO. 5027, by Senators Nelson, Rasmussen and Thorsness

Raising the jurisdictional limit for small claims departments to five thousand dollars.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Ludwig spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5027, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen,

Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative King, R. - 01.

Substitute Senate Bill No. 5027, having received the constitutional majority, was declared passed.

Representative R. King appeared at the bar of the House.

MOTION

Mr. Dorn moved that the House defer consideration of Senate Bill No. 5042 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 5053, by Senators Nelson, Rasmussen and Roach

Allowing local ordinance notice for revoking juvenile driving privileges.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5053, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5053, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1034, by Representatives H. Sommers, Rasmussen, H. Myers, O'Brien, Jacobsen and Brekke; by request of Governor Gardner

Changing limits on issuance of evidences of indebtedness.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 1034 was substituted for House Bill No. 1034, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1034 was read the second time.

Ms. Schmidt moved adoption of the following amendments by Representatives Schmidt, Bowman, Neher and May:

On page 1, line 10, strike "~~((seven))~~ the" and insert "seven"

On page 1, beginning on line 14, after "39.42070" strike everything through "7.0%" on page 2, line 11, and insert "."

Ms. Schmidt spoke in favor of adoption of the amendments, and Ms. H. Sommers spoke against them.

Mr. Tate demanded an electric roll call vote, and the demand was sustained.

Representatives Braddock, Neher, Van Luven, Betrozoff and Casada spoke in favor of adoption of the amendments, and Representatives Jacobsen and Basich spoke against them. Ms. Schmidt again spoke in favor of the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments on page 1, lines 10 and 14, by Representative Schmidt and others to Substitute House Bill No. 1034, and the amendments were not adopted by the following vote: Yeas - 45, Nays - 53, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Braddock, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Heavey, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prentice, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 45.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 53.

The Speaker resumed the Chair.

Ms. Silver moved adoption of the following amendment by Representatives Silver, Bowman and May:

On page 3, after line 17, insert the following:

"This section may be amended only by a favorable vote of sixty percent of the members elected to each house of the legislature."

Ms. Silver spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it.

Mr. D. Sommers demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 3, after line 17, by Representative Silver and others to Substitute House Bill No. 1427, and the amendment was not adopted by the following vote: Yeas - 41, Nays - 57, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Former, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 41.

Voting nay: Representatives Anderson, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 57.

Ms. Ogden moved adoption of the following amendment by Representatives Ogden and H. Sommers:

On page 3, line 26, after "for" strike "housing assistance" and insert "low and moderate-income housing including low-income weatherization and affordable housing."

Representatives Ogden and H. Sommers spoke in favor of adoption of the amendment, and it was adopted.

Mr. Jacobsen moved adoption of the following amendment by Representatives Jacobsen, Fraser, H. Sommers, Belcher and Ogden:

On page 3, line 28, after "land" insert "in accordance with chapter 43.98A RCW"

Representatives Jacobsen and H. Sommers spoke in favor of adoption of the amendment, and it was adopted.

Ms. Schmidt moved adoption of the following amendment by Representatives Schmidt, Bowman, Neher and May:

On page 3, beginning on line 18, strike all of section 2

Ms. Schmidt spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it.

Mr. Tate demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 3, beginning on line 18, by Representative Schmidt and others to Substitute House Bill No. 1034, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 54, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Braddock, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Heavey, Hochstatter, Holland, Horn, Johnson P., Kremen, Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 44.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 54.

Ms. Silver moved adoption of the following amendment by Representatives Silver, Bowman and May:

On page 4, after line 4, insert:

"Capital projects qualifying for an allocation of the debt capacity under this section must have a useful life of at least twenty years or extend the useful life of a facility to twenty years or more."

Ms. Silver spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it.

Mr. D. Sommers demanded an electric roll call vote, and the demand was sustained.

Mr. May spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 4, after line 4, by Representative Silver and others to Substitute House Bill No. 1034, and the amendment was not adopted by the following vote: Yeas - 41, Nays - 57, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 41.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 57.

Ms. Schmidt moved adoption of the following amendment by Representatives Schmidt, Neher and Ballard:

On page 4, after line 4, insert the following:

NEW SECTION. Sec. 3. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article VIII, section 3 of the state Constitution as amended, and the laws adopted to facilitate the operation thereof.

Ms. Schmidt spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it.

Mr. Tate demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 4, after line 4, by Representative Schmidt and others to Substitute House Bill No. 1034, and the amendment was not adopted by the following vote: Yeas - 41, Nays - 53, Absent - 4, Excused - 0.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Former, Fuhrman, Hochstatter, Holland, Horn, Johnson P., King, R., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 41.

Voting nay: Representatives Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jones, Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 53.

Absent: Representatives Anderson, Cole, Johnson R., Scott - 04.

Ms. Schmidt moved adoption of the following amendment by Representatives Schmidt, Neher and Ballard:

On page 4, after line 4, insert the following:

NEW SECTION. Sec. 3. (1) Section 2(1) of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article VIII, section 3 of the state Constitution as amended, and the laws adopted to facilitate the operation thereof.

(2) Section 2(2) of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state,

in accordance with Article VIII, section 3 of the state Constitution as amended, and the laws adopted to facilitate the operation thereof.

(3) Section 2(3) of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article VIII, section 3 of the state Constitution as amended, and the laws adopted to facilitate the operation thereof.

(4) Section 2(4) of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article VIII, section 3 of the state Constitution as amended, and the laws adopted to facilitate the operation thereof.

Ms. Schmidt spoke in favor of adoption of the amendment, and Mr. Ebersole spoke against it.

POINT OF ORDER

Ms. Miller: Thank you, Mr. Speaker. I think, maybe, that the Majority Leader has gotten a little bit excited and might be impugning the motives of the members over here and their previous vote.

SPEAKER'S RULING

The Speaker: Representative Miller, I would apologize if you felt that your motives had been impugned, but I heard no impugning of motives. I am sorry. Please continue, Representative Ebersole.

Mr. Ebersole concluded his remarks against adoption of the amendment, and Representatives Ballard, Brough and Paris spoke in favor of it.

Mr. D. Sommers demanded an electric roll call vote, and the demand was sustained.

Ms. Schmidt again spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 4, after line 4, by Representative Schmidt to Substitute House Bill No. 1034, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 57, Absent - 1, Excused - 0.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 40.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley,

Roland, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker -57.

Absent: Representative Rust - 01.

The bill was ordered engrossed. On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers, Wang, Hargrove, Hine, Rasmussen and Basich spoke in favor of passage of the bill, and Representatives Fuhrman, Holland, May, Hochstatter, Paris, Silver, Prince and Braddock spoke against it. Mr. Ebersole spoke in favor of the bill.

POINT OF ORDER

Ms. Miller: Thank you, Mr. Speaker. The representative was doing great until he started talking about undue hypocrisy on this side of the aisle. If he could confine his remarks to final passage of the bill, that would be better.

SPEAKER'S RULING

The Speaker: Your point is well taken, Representative Miller. Please confine your remarks to the matter before us, Representative Ebersole.

Mr. Ebersole concluded his remarks in favor of passage of the bill, and Representatives Brough and Holland spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1034, and the bill passed the House by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 56.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Braddock, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Heavey, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 42.

Engrossed Substitute House Bill No. 1034, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1430, by Representative H. Sommers; by request of Governor Gardner

Issuing general obligation and revenue bonds.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 1430 was substituted for House Bill No. 1430, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1430 was read the second time.

Ms. H. Sommers moved adoption of the following amendments by Representatives H. Sommers and Schmidt:

On page 3, line 9, strike "twenty million eight" and insert "seventeen million five"

On page 3, line 11, after "1427)" insert: "; and

(4) Three million three hundred thousand dollars to the energy efficiency services account created by section ..., chapter ..., Laws of 1991 (Engrossed Substitute House Bill No. 1427)"

On page 3, line 18, after "through" strike "(3)" and insert "(4)"

On page 4, line 4, after "2(3)" insert "and (4)"

On page 4, line 7, strike "services" and insert "efficiency construction"

On page 4, line 12 after "2(3)" insert "and (4)"

On page 4, line 14 after "energy" strike "services" and insert "efficiency construction"

Representatives H. Sommers and Schmidt spoke in favor of adoption of the amendments, and they were adopted.

Ms. H. Sommers moved adoption of the following amendments by Representatives Sommers H. and Schmidt:

On page 7, line 19, after "all" strike all material down through "proceeds" on line 20 and insert "state office and support facilities"

On page 7, line 22, after "shall" strike "show" and insert "consider"

Ms. H. Sommers spoke in favor of adoption of the amendments, and they were adopted.

Ms. H. Sommers moved adoption of the following amendment by Representatives H. Sommers and Schmidt:

On page 8, line 20, after "facilities" strike "at the state capitol" and insert "((at the state capitol))"

Ms. H. Sommers spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1430, and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Beck, Braddock, Brough, Edmondson, Fuhrman, Hochstatter, Lisk, Morton, Padden, Van Luven - 10.

Engrossed Substitute House Bill No. 1430, having received the constitutional majority, was declared passed.

The Speaker called on Representative Spanel to preside.

HOUSE BILL NO. 1810, by Representatives R. Fisher, H. Sommers, Schmidt, R. Meyers, Betrozoff, Dellwo, Winsley, Paris, Basich, Jacobsen, Forner and Rasmussen; by request of Washington State Patrol

Financing the state patrol headquarters construction project.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass substitute. Committee on Capital Facilities & Financing recommendation: Majority, do pass substitute by Committee on Transportation as amended by Committee on Capital Facilities & Financing. (For committee amendments, see Journal, 93rd Day, April 16, 1991.)

On motion of Ms. H. Sommers, Substitute House Bill No. 1810 was substituted for House Bill No. 1810, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1810 was read the second time.

Ms. H. Sommers moved adoption of the committee amendment by Committee on Capital Facilities & Financing and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

The bill was ordered engrossed. On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1810, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Brough, Fuhrman, Lisk, Morton, Padden - 05.

Engrossed Substitute House Bill No. 1810, having received the constitutional majority, was declared passed.

The Speaker resumed the Chair.

SENATE BILL NO. 5474, by Senators Rinehart, Bailey, Murray, West and Bauer

Planning a data collection and reporting system on children.

The House resumed consideration of Senate Bill No. 5474 on second reading. (For previous action, see Journal, 93rd Day, April 16, 1991, Afternoon Session.)

The Speaker stated the question before the House to be the Point of Order by Representative Miller regarding the amendments on pages 2 and 3 by Representative Jones to the committee amendment by Committee on Education.

SPEAKER'S RULING

The Speaker: The underlying bill, Senate Bill No. 5474, establishes a task force to improve the collection and reporting of data about conditions affecting the education and well-being of children. While the amendment deals with the subject of children and some learning impairments and also creates another task force, the Speaker finds that it does not perfect the underlying bill. Your point is well taken, Representative Miller. It is outside the scope and object of the original bill.

The Speaker stated the question before the House to be adoption of the committee amendment by Committee on Education.

The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Brough spoke against passage of the bill, and Mr. Peery spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5474 as amended by the House, and the bill passed the House by the following vote: Yeas - 61, Nays - 37, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 61.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Heavey, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Silver, Sommers, D., Tate, Vance, Van Luven, Wynne - 37.

Senate Bill No. 5474 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5301, by Senators Snyder and Conner

Authorizing certain cities and counties bordering the Pacific Ocean to levy a special excise tax to provide funding for public facilities.

The House resumed consideration of Substitute Senate Bill No. 5301 on second reading. (For previous action, see Journal, 94th Day, April 17, 1991, Afternoon Session.)

The Speaker stated the question before the House to be the Point of Order by Representative Padden regarding the amendments on pages 1 and 3 by Representatives Spanel and R. Johnson.

SPEAKER'S RULING

The Speaker: The Speaker has examined the Substitute Senate Bill No. 5301 and the amendments. The bill authorizes certain cities and counties with a population of at least one thousand bordering the Pacific Ocean the local imposition of a hotel/motel tax. It also repeals an existing hotel/motel tax. The amendment, the Speaker finds, does perfect the bill. It simply adds another county that fits that criteria. The Speaker finds that it is within the scope and object of the original bill. Representative Padden, your point is not well taken.

The Speaker stated the question before the House to be adoption of the amendments on pages 1 and 3 by Representatives Spanel and R. Johnson.

The amendments were adopted.

Mr. Braddock moved adoption of the following amendment by Representatives Braddock and Spanel:

On page 1, line 7, after "Ocean" insert "or the Strait of Georgia"

Mr. Braddock spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5301 as amended by the House, and the bill passed the House by the following vote: Yeas - 77, Nays - 20, Absent - 1, Excused - 0.

Voiting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, Mitchell, Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 77.

*Voting nay: Representatives Ballard, Betrozoff, Bowman, Brumsickle, Casada, Chandler, Edmondson, Fuhrman, Horn, May, McLean, Mielke, Miller, Morton, Padden, Prince, Tate, Vance, Van Luven, Wynne - 20.

Absent: Representative Meyers, R. - 01.

Substitute Senate Bill No. 5301 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5776, by Senate Committee on Commerce & Labor (originally sponsored by Senator McMullen)

Regulating alcoholic beverages.

The House resumed consideration of Substitute Senate Bill No. 5776 on second reading. (For previous action, see today's Journal.)

The Speaker stated the question before the House to be the Point of Order by Representative Padden regarding the committee amendment by Committee on Commerce & Labor.

SPEAKER'S RULING

The Speaker: Representative Padden, the Speaker has examined both the underlying bill and the amendment. The bill deals with the relative minor issue of the definition and activities allowed for licensees. The amendment changes the governance of the Liquor Control Board. Representative Padden, the Speaker finds that your point is well taken and that the amendment is outside the scope and object of the original bill.

The Speaker called on Representative R. Meyers to preside.

Mr. O'Brien moved adoption of the following amendments:

On page 5, line 17, after "only," insert ""Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board."

On page 9, after line 29, insert the following:

"Sec. 4. RCW 9.46.0315 and 1987 c 4 s 27 are each amended to read as follows:

Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of this chapter, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle. The organization may provide unopened containers of beverages containing alcohol as raffle prizes if the appropriate permit has been obtained from the liquor control board: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not

dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles."

Representatives O'Brien and Miller spoke in favor of adoption of the amendments, and Mr. Fuhrman spoke against them. The amendments were adopted.

With consent of the House, the following amendment by Representative O'Brien to the title was adopted:

On page 1, line 2 of the title, after "66.24.170," strike "and 66.24.210" and insert "66.24.210, and 9.46.0315"

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Heavey spoke in favor of passage of the bill, and Mr. Fuhrman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5776 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Fuhrman, Morton, Van Luven - 03.

Substitute Senate Bill No. 5776 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5478, by Senate Committee on Environment & Natural Resources (originally sponsored by Senators Conner and Wojahn)

Requiring comprehensive solid waste management plans to include provisions for recycling for single and multiple family residences.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 5, 1991.)

Ms. Rust moved adoption of the committee amendment. Representatives Rust and Horn spoke in favor of it, and it was adopted.

Ms. Roland moved adoption of the following amendment by Representatives Roland, Horn, Rust and D. Sommers:

On page 8, after line 9, insert:

"NEW SECTION. Sec. 5. A new section is added to chapter 19.27 RCW to read as follows:

By July 1, 1992, the state building code council shall adopt rules to ensure that new multifamily residences have adequate and conveniently located space to store and dispose of recyclable materials and solid waste."

Representatives Roland and Horn spoke in favor of adoption of the amendment, and it was adopted.

Ms. Roland moved adoption of the following amendment by Representatives Roland, Horn, Rust and D. Sommers:

On page 8, after line 9, insert:

"NEW SECTION. Sec. 5. A new section is added to 19.27 to read as follows:

By July 1, 1992, the state building code council shall adopt rules to ensure that new commercial facilities have adequate and conveniently located space to store and dispose of recyclable materials and solid waste."

Ms. Roland spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Roland, Horn, Rust and D. Sommers to the title were adopted:

On page 1, line 2 of the title, after "70.95.110;" insert "adding a new section to RCW 19.27"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and Horn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5478 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers,

H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5478 as amended by the House, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5143, by Senate Committee on Ways & Means (originally sponsored by Senators Metcalf, Murray and Conner)

Increasing the procurement of recycled products.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Environmental Affairs.

Ms. Rust moved adoption of the committee amendment.

Ms. Rust moved adoption of the following amendments by Representatives Rust, Horn and D. Sommers to the committee amendment:

On page 2, after line 6 of the amendment, insert "(2) "Department" means the department of general administration.

(3) "Director" means the director of the department of general administration."

Renumber remaining subsections consecutively and correct internal references accordingly.

On page 8, line 21 of the amendment, after "to all" strike "public agencies" and insert "state and local governments"

Ms. Rust spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Rust spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Rust yielded to question by Mr. D. Sommers.

Mr. D. Sommers: I have two questions regarding the definition of "compost products" in section 2, subsection 1. My first question is: What waste materials are "cellulose-containing?"

Ms. Rust: Representative Sommers, virtually all organic materials contain cellulose. Common waste materials containing cellulose would include yard waste, food waste and waste paper product.

Mr. D. Sommers: Thank you. I have another question. Commercially available composts contain some amount of inorganic, noncellulose-containing materials. Would the presence of these materials mean that they fail to qualify as "compost products under this definition?"

Ms. Rust: "Compost products" as defined by this bill would include compost which could contain small amounts of noncellulose-containing materials.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5143 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Second Substitute Senate Bill No. 5143 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5753, by Senate Committee on Ways & Means (originally sponsored by Senators Oke, Bauer, Owen, Craswell, Metcalf, Roach, Nelson, L. Smith, Amondson and Thorsness)

Making major efforts to improve habitat for upland birds.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass. Committee on Revenue recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 85th Day, April 8, 1991.)

Mr. Wang moved adoption of the committee amendment by Committee on Revenue and spoke in favor of it. The committee amendment was adopted.

Mr. Orr moved adoption of the following amendments:

On page 4, line 13, strike "thirty days following the effective date of this act." and insert "July 1, 1991."

On page 5, after line 11, insert the following:

"NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect on July 1, 1991."

Re-number sections consecutively and correct internal references accordingly.

Mr. Orr spoke in favor of adoption of the amendments, and they were adopted.

Mr. Wang moved adoption of the following amendment by Representatives Wang and R. King:

On page 5, after line 11, insert:

"NEW SECTION. Sec. 6. Unless both chapter, Laws of 1991 (SHB 1250) and chapter, Laws of 1991 (SHB 1850) are enacted before July 1, 1991, this act shall be null and void."

Re-number sections consecutively and correct any internal references accordingly.

Mr. Wang spoke in favor of adoption of the amendment, and Representatives Holland and Padden spoke against it.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be adoption of the amendment on page 5, after line 11, by Representatives Wang and R. King.

A division was called. The Speaker (Mr. R. Meyers presiding) called upon the House to divide. The result of the division was: Yeas - 51, Nays - 47. The amendment was adopted.

With consent of the House, the following amendment by Representative Orr to the title was adopted:

On page 1, line 2 of the title, strike "and" and on line 3, after "sections" insert "; and adding an emergency clause"

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang, Bowman, Cole, Orr, Fraser and Jacobsen spoke in favor of passage of the bill, and Representatives Ferguson, McLean and Horn spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5753 as amended by the House, and the bill passed the House by the following vote: Yeas - 64, Nays - 34, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Franklin, Fraser, Grant, Hargrove, Haugen, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Mitchell, Morris, Morton, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Silver, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 64.

Voting nay: Representatives Ballard, Basich, Beck, Brough, Casada, Chandler, Day, Edmondson, Ferguson, Fisher, R., Former, Fuhrman, Heavey, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Moyer, Nealey, Padden, Paris, Prince, Rayburn, Schmidt, Sheldon, Sommers, D., Tate, Vance, Van Luven, Wood - 34.

Engrossed Second Substitute Senate Bill No. 5753 as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I wish to be recorded as a "yes" vote on final passage of Engrossed Second Substitute Senate Bill No. 5753.

EUGENE A. PRINCE, 9th District.

SUBSTITUTE SENATE BILL NO. 5260, by Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness, Madsen and Barr; by request of Utilities & Transportation Commission)

Regulating certain nonmunicipal water systems.

The bill was read the second time.

Mr. Sheldon moved adoption of the following amendments by Representatives Sheldon and Grant:

On page 5, line 10, after "ownership" insert "or control"

On page 5, line 11, after "designation." insert ""Control" as used herein shall be defined by the commission by rule and shall not include management by a satellite agency as defined in chapter 70.116 if the satellite agency is not an owner of the water company."

Mr. Sheldon spoke in favor of adoption of the amendments, and they were adopted.

The Clerk read the following amendment by Representatives Rasmussen, Grant, Neher, Tate, Dorn and Casada:

On page 7, after line 20, insert the following:

"Complaint may be made by any person that the charges by any water company for any aspect of line extension, service installation, or service connection are not fair, just, reasonable, and sufficient. If the charges are not specified in the company's tariff, the commission shall determine the fair, just, reasonable, and sufficient charge for such extension, installation, or connection. In any such proceeding in which there is no specified tarified rate, the burden shall be on the company to prove that its proposed charges are fair, just, reasonable, and sufficient."

With consent of the House, Representative Rasmussen withdrew the amendment.

Mr. Wilson moved adoption of the following amendment:

On page 8, after line 28, insert: "The commission shall prohibit the installation of hazardous material transmission systems which may adversely affect water systems dependent upon federally-designated sole-source aquifers."

POINT OF ORDER

Mr. Cooper: Mr. Speaker, I request a ruling on the scope and object of this amendment.

MOTION

Mr. Dorn moved that the House defer further consideration of Substitute Senate Bill No. 5260 and that the bill hold its place on the second reading calendar. The motion was carried.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker called the House to order.

The Speaker declared the House to be at ease until 6:30 p.m.

The Speaker (Mr. R. Meyers presiding) called the House to order.

MOTION

On motion of Ms. Bowman, Representative Miller was excused.

ENGROSSED SENATE BILL NO. 5476, by Senators Bailey, Barr, Hansen, Anderson, Conner, Newhouse, Gaspard and Bauer

Affecting the marketing of milk.

The bill was read the second time.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Kremen, Nealey, Rasmussen, R. Johnson and Bowman spoke in favor of passage of the bill, and Representatives Heavey and H. Sommers spoke against it. Representatives Rasmussen and Kremen again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5476, and the bill passed the House by the following vote: Yeas - 83, Nays - 14, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brumsickle, Cantwell, Casada, Chandler, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Hochstatter, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Morris, Morton, Moyer, Myers, H., Nealey, Neher, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Brekke, Brough, Cole, Ferguson, Fisher, R., Forner, Heavey, Hine, Holland, Mitchell, Nelson, Sommers, H., Van Luven, Wang - 14.

Excused: Representative Miller - 01.

Engrossed Senate Bill No. 5476, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Senate Bill No. 5082 on the regular second reading calendar. The motion was carried.

SENATE BILL NO. 5082, by Senators Bauer, L. Smith and Oke

Requiring licenses for professional salmon fishing guides.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. R. King moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Mr. Prince moved adoption of the following amendment:

On page 2, after line 22, insert:

NEW SECTION. Sec. 3. RCW 77.12.480 and 1980 c 78 s 64, 1967 c 62 s 4 are each repealed.

Representatives Prince and R. King spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the following amendment by Representative Prince to the title was adopted:

On page 1, line 2 of the title, after "75.28.010;" insert "repealing RCW 77.12.480"

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. R. King spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5082 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Miller - 01.

Senate Bill No. 5082 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5096, by Senate Committee on Ways & Means (originally sponsored by Senators Barr, Hansen, Anderson, Newhouse, Conner, Bailey, Matson, Patterson, Amondson, Sellar, Bauer, McMullen and L. Smith)

Requiring state laws and rules to be assessed to determine adverse impacts on agriculture.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

On motion of Ms. Rayburn, the committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5096 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Betozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Belcher, Cole, Scott - 03.

Excused: Representative Miller - 01.

Engrossed Second Substitute Senate Bill No. 5096 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5111, by Senators Madsen, Wojahn, Rasmussen, Amondson, A. Smith, Snyder, Gaspard and Skratek

Directing money received by inmates, for testifying, into the victims compensation account.

The bill was read the second time.

Mr. Wynne moved adoption of the following amendment by Representatives Wynne, Appelwick, Franklin, Heavey, Phillips, Padden, Rasmussen, Leonard, Hargrove and Miller:

On page 2, on line 2 after "account" insert:

"for the payment of counseling needs for the immediate family members of a homicide victims in addition to such other benefits as are provided under the crime victims compensation account"

Representatives Wynne and Hargrove spoke in favor of adoption of the amendment, and it was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Hargrove spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5111 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Miller - 01.

Senate Bill No. 5111 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of Engrossed Second Substitute Senate Bill No. 5120 and that the bill hold its place on the second reading calendar. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5127, by Senate Committee on Ways & Means (originally sponsored by Senators Craswell, Bailey, Vognild, Erwin, L. Smith, Stratton, Matson, Conner and Roach)

Establishing citizen review boards.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Leonard spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5127, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell,

Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Miller - 01.

Second Substitute Senate Bill No. 5127, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5147, by Senators Nelson, A. Smith and Newhouse

Protecting alternative dispute resolution processes and mediators and arbitrators from legal action.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Appelwick moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Mr. Padden.

Mr. Padden: Representative Appelwick, could you tell me whether or not there is an intent in this legislation to supercede other statutes requiring disclosure?

Mr. Appelwick: Thank you, Representative Padden. That question, raised in committee, was answered by a letter on behalf of the Bar Association Alternative Dispute Resolution Section saying that it was not their intent and it should not be ours that any legislation, now existing or hereafter enacted, which requires disclosure of information by a mediator would be overruled by this act. So, no, this is not intended to overrule a statute requiring disclosure by a mediator.

Mr. Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5147 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Miller - 01.

Senate Bill No. 5147 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of Second Substitute Senate Bill No. 5181 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5188, by Senate Committee on Commerce & Labor (originally sponsored by Senators Moore, Matson and Anderson)

Providing for tenant eviction and rental and storage costs for mobile home landlords.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Nelson moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5188 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Miller - 01.

Substitute Senate Bill No. 5188 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of Substitute Senate Bill No. 5202 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 5264, by Senators Oke, Bailey, Rinehart, Stratton and Bauer

Authorizing the department of natural resources to establish a program in community and urban forestry.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

On motion of Ms. Belcher, the committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Belcher, Bowman, Scott and Hargrove spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5264 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Miller - 01.

Senate Bill No. 5264 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5290, by Senator Patterson

Defining resident for purposes of obtaining a valid driver's license.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5290, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Miller - 01.

Senate Bill No. 5290, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5359, by Senate Committee on Ways & Means (originally sponsored by Senators Craswell, Conner, Rinehart, Gaspard, Murray, Bailey and Bauer)

Allowing the transfer of certain retirement credits from out-of-state teacher retirement plans.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Hine spoke in favor of passage of the bill, and Mr. McLean spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5359, and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Fuhrman, McLean, Nealey, Scott, Silver - 05.

Excused: Representative Miller - 01.

Substitute Senate Bill No. 5359, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of Substitute Senate Bill No. 5418 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 5512, by Senators McCaslin and Madsen

Prohibiting connection of a sewer without approval of sewer district.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

On motion of Mr. Dorn, the committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cooper and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5512 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Miller - 01.

Senate Bill No. 5512 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5526, by Senate Committee on Commerce & Labor (originally sponsored by Senators Bauer, Newhouse, Moore, Nelson and Johnson)

Governing employee noncompetition clauses.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 5, 1991.)

Mr. Heavey moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Heavey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5526 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Miller - 01.

Engrossed Substitute Senate Bill No. 5526 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker resumed the Chair.

SUBSTITUTE SENATE BILL NO. 5260, by Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness, Madsen and Barr; by request of Utilities & Transportation Commission)

Regulating certain nonmunicipal water systems.

The House resumed consideration of Substitute Senate Bill No. 5260 on second reading. (For previous action, see today's Journal.)

The Speaker stated the question before the House to be the Point of Order by Representative Cooper regarding the scope and object of the amendment on page 8, after line 28, by Representative Wilson.

SPEAKER'S RULING

The Speaker: Representative Cooper, the Speaker has examined Substitute Senate Bill No. 5260, the underlying bill, and the amendment. The bill deals with the UTC regulation of water companies. The bill does not deal, as the amendment does, with the regulation of hazardous material transmission lines or the protection of sole source aquifers. I find then, Representative Cooper, that

your point is well taken. The amendment is outside the scope and object of the original bill.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5260, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogen, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Miller - 01.

Substitute Senate Bill No. 5260, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Orr, Representatives Basich, Sprengle and Wang were excused.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5120, by Senate Committee on Ways & Means (originally sponsored by Senators Nelson, Rasmussen, Thorsness, Stratton, Saling, McCaslin, Hayner, Erwin, L. Smith, Newhouse, Amondson, Johnson, Bailey, Gaspard, Vognild, Matson, West, Owen, Bauer, Snyder, Roach and Oke)

Making adjustments to child support guidelines.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Appelwick moved that the House do not adopt the committee amendment. Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

Mr. R. Meyers moved adoption of the following amendment by R. Meyers, Hargrove and Padden:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 26.09.010 and 1989 c 375 s 1 are each amended to read as follows:

(1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage, legal separation or a declaration concerning the validity of a marriage shall be entitled "In re the marriage of and" Such proceeding ((may)) shall be filed in the superior court of the county where the petitioner or respondent resides. Upon motion and hearing before the superior court of the county where the proceeding is filed, the court may waive venue in that county for good cause shown.

(3) In cases where there has been no prior proceeding in this state involving the marital status of the parties or support obligations for a minor child, a separate parenting and support proceeding between the parents shall be entitled "In re the parenting and support of" Such proceeding shall be filed in the superior court of the county where the petitioner or respondent resides. Upon motion and hearing before the superior court of the county where the proceeding is filed, the court may waive venue in that county for good cause shown.

(4) The initial pleading in all proceedings under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

Sec. 2. RCW 26.09.015 and 1989 c 375 s 2 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the dispute.

(2) Each superior court may make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(3) Mediation proceedings shall be held in private and shall be confidential. The mediator shall not testify as to any aspect of the mediation proceedings. This subsection shall not apply to postdecree mediation required pursuant to a parenting plan.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

~~((6) This section shall not apply to postdecree mediation required pursuant to a parenting plan.)~~

Sec. 3. RCW 26.09.100 and 1990 1st ex.s. c 2 s 1 are each amended to read as follows:

(1) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without

regard to marital misconduct, the court shall order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined under chapter 26.19 RCW.

(2) The court may require periodic (~~adjustments~~) modifications of child support. That portion of any decree that requires periodic modifications of child support shall use the provisions in chapter 26.19 RCW as the basis for the modification. That portion of any decree that requires periodic modification of child support that uses a basis for modification other than chapter 26.19 RCW shall be void. Provisions in the decree for periodic modification shall not conflict with RCW 26.09.170 except that the decree may require periodic modifications of support more frequently than the time periods established pursuant to RCW 26.09.170. The (~~adjustment~~) automatic modification provision may be modified by the court due to economic hardship consistent with the provisions of RCW 26.09.170(4)(a).

Sec. 4. RCW 26.09.160 and 1989 c 318 s 1 are each amended to read as follows:

(1) The performance of parental functions and the duty to provide child support are distinct responsibilities in the care of a child. If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit contact with children is not suspended. An attempt by a parent, in either the negotiation or the performance of a parenting plan, to condition one aspect of the parenting plan upon another, to condition payment of child support upon an aspect of the parenting plan, to refuse to pay ordered child support, to refuse to perform the duties provided in the parenting plan, or to hinder the performance by the other parent of duties provided in the parenting plan, (~~may~~) shall be deemed bad faith and shall be punished by the court by holding the party in contempt of court and by awarding to the aggrieved party reasonable attorneys' fees and costs incidental in bringing a motion for contempt of court.

(2)(a) A motion may be filed to initiate a contempt action to coerce a parent to comply with an order establishing residential provisions for a child. If the court finds there is reasonable cause to believe the parent has not complied with the order, the court may issue an order to show cause why the relief requested should not be granted.

(b) If, based on all the facts and circumstances, the court finds after hearing that the parent, in bad faith, has not complied with the order establishing residential provisions for the child, the court (~~may~~) shall find the parent in contempt of court. Upon a finding of contempt, the court shall order:

(i) The noncomplying parent to provide the moving party additional time with the child. The additional time shall be equal to the time missed with the child, due to the parent's noncompliance;

(ii) The parent to pay, to the moving party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; and

(iii) The parent to pay, to the moving party, a civil penalty, not less than the sum of one hundred dollars.

The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order, but in no event for more than one hundred eighty days.

(3) On a second failure within three years to comply with a residential provision of a court-ordered parenting plan, a motion may be filed to initiate contempt of court proceedings according to the procedure set forth in subsection (2) (a) and (b) of this section. On a finding of contempt under this subsection, the court shall order:

(a) The noncomplying parent to provide the other parent or party additional time with the child. The additional time shall be twice the amount of the time missed with the child, due to the parent's noncompliance;

(b) The noncomplying parent to pay, to the other parent or party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; and

(c) The noncomplying parent to pay, to the moving party, a civil penalty of not less than two hundred fifty dollars.

The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order but in no event for more than one hundred eighty days.

(4) For purposes of subsections (1), (2), and (3) of this section, the parent shall be deemed to have the present ability to comply with the order establishing residential provisions unless he or she establishes otherwise by a preponderance of the evidence. The parent shall establish a reasonable excuse for failure to comply with the residential provision of a court-ordered parenting plan by a preponderance of the evidence.

(5) Any monetary award ordered under subsections (1), (2), and (3) of this section may be enforced, by the party to whom it is awarded, in the same manner as a civil judgment.

(6) Subsections (1), (2), and (3) of this section authorize the exercise of the court's power to impose remedial sanctions for contempt of court and is in addition to any other contempt power the court may possess.

(7) Upon motion for contempt of court under subsections (1) through (3) of this section, if the court finds the motion was brought without reasonable basis, the court shall order the moving party to pay to the nonmoving party, all costs, reasonable attorneys' fees, and a civil penalty of not less than one hundred dollars.

Sec. 5. RCW 26.09.170 and 1990 1st ex.s. c 2 s 2 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070 and subsection (10) of this section, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the filing of the motion for modification and, except as otherwise provided in subsections (4), (5), ~~((and))~~ (8), (9), and (10) of this section, only upon a showing of a substantial change of circumstances. Any modification granted shall be effective as of the date of the filing of the motion. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state. An increase in the wage or salary of a parent who is receiving support transfer payments as defined in section 24 of this act is not a substantial change in circumstances.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) Unless a decree provides for more frequent modifications of child support as provided in RCW 26.09.100, an order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests ~~((an adjustment))~~ a modification in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add ~~((an))~~ automatic ~~((adjustment))~~ modification of support provisions ~~((consistent with))~~ as provided in RCW 26.09.100.

(5) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require health insurance coverage for a child named therein; or

(b) Modify an existing order for health insurance coverage.

(6) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the ~~((appropriate))~~ presumptive child support amount set forth in the standard calculation as defined in section ~~((4(2)))~~ 24 of this act and reasons for the deviation are not set forth in the findings of fact or order. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.

~~((8)(a) ((Except as provided in (b) and (c) of this subsection,))~~ Unless a decree provides for more frequent modification of child support as provided in RCW 26.09.100, all decrees entered on, before, or after September 1, 1991, that contain orders regarding child support ~~((decrees))~~ may be ~~((adjusted))~~ modified once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances. Either party may initiate the modification pursuant to procedures of RCW 26.09.175.

(b) All decrees entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change in circumstances. Parents whose decrees are entered on, before ~~((the effective date of this act)),~~ or after the effective date of this section may petition the court for a modification based on the changes in the child support schedule after twelve months has expired from the entry of the decree or the most recent modification setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to (a) of this subsection.

(c) A party may petition for modification in cases of substantially changed circumstances, under subsection (1) of this section, at any time. However, if relief is granted under subsection (1) of this section, twenty-four months must pass before a petition for modification under (a) of this subsection may be filed.

(d) If, pursuant to (a) and (b) of this subsection, the court modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under (a) of this subsection may be filed.

~~((e) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action pursuant to (a) of this subsection alleging that increase constitutes a substantial change of circumstances under subsection (1) of this section:--))~~

(9) Any decree, separation agreement, contract, or other agreement that conflicts with RCW 26.09.170(8) shall, upon motion of a party, be modified to conform to the requirements of RCW 26.09.170(8).

(10) A parent obligated to pay support, who was on active duty for the United States military for the "Desert Shield" or "Desert Storm" operations of the United States war with Iraq, may bring a motion for modification of child support without a substantial change of circumstances for purposes of a retroactive adjustment of child support commencing from the beginning of the active duty until the date the parent was no longer on active duty. The parent must bring the motion for modification within ninety days of the end of the parent's active duty. The motion for modification may only be granted if the parent's income or resources were reduced while on active duty. Any modification granted that reduces child support during the parent's term of active duty shall be a prospective credit against future child support payments in an amount and over a period of time as determined in the court's discretion.

Sec. 6. RCW 26.09.175 and 1990 1st ex.s. c 2 s 3 are each amended to read as follows:

(1) A proceeding for the modification of an order of child support shall commence with the filing of a petition (~~(--a supporting financial affidavit,)~~) and worksheets. The petition (~~(and affidavit)~~) shall be in substantially the form prescribed by the administrator for the courts. There shall be a fee of twenty dollars for the filing of a petition for modification of dissolution.

(2) The petitioner shall serve upon the other party the summons, a copy of the petition (~~(and affidavit, and a blank copy of a financial affidavit)~~), and the worksheets in the form prescribed by the administrator for the courts. If the modification proceeding is the first action filed in this state, service shall be made by personal service. If the decree to be modified was entered in this state, service shall be by personal service or by any form of mail requiring a return receipt. If the support obligation has been assigned to the state pursuant to RCW 74.20.330 (~~(and notice has been filed with the court)~~) or the state has a subrogated interest under RCW 74.20A.030, the summons, petition, (~~(affidavit,)~~) and worksheets shall also be served on the attorney general. Proof of service shall be filed with the court.

(3) The responding party's answer (~~(and completed financial affidavit)~~) and worksheets shall be served and the answer filed within twenty days after service of the petition or sixty days if served out of state. The responding party's failure to file an answer within the time required shall result in entry of a default judgment for the petitioner.

(4) At any time after responsive pleadings are filed, either party may schedule the matter for hearing.

(5) Unless both parties stipulate to arbitration or the presiding judge authorizes oral testimony pursuant to subsection (6) of this section, a petition for modification of an order of child support shall be heard by the court on affidavits, the petition, answer, and worksheets only.

(6) A party seeking authority to present oral testimony on the petition to modify a support order shall file an appropriate motion not later than ten days after the time of notice of hearing. Affidavits and exhibits setting forth the reasons oral testimony is necessary to a just adjudication of the issues shall accompany the petition. The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include, but are not limited to: (a) Substantial questions of credibility on a major issue; (b) insufficient or inconsistent discovery materials not correctable by further discovery; or (c) particularly complex circumstances requiring expert testimony.

(7) The administrator for the courts shall develop and prepare, in consultation with interested persons, model forms or notices for the use of the procedure provided by this section, including a notice advising of the right of a party to proceed with or without benefit of counsel.

Sec. 7. RCW 26.09.184 and 1989 c 375 s 9 are each amended to read as follows:

(1) OBJECTIVES. The objectives of the permanent parenting plan are to:

- (a) Provide for the child's physical care;
- (b) Maintain the child's emotional stability;
- (c) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;
- (d) Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in RCW 26.09.187 and 26.09.191;
- (e) Minimize the child's exposure to harmful parental conflict;
- (f) Encourage the parents, where appropriate under RCW 26.09.187 and 26.09.191, to meet their responsibilities to their minor children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and
- (g) To otherwise protect the best interests of the child consistent with RCW 26.09.002.

(2) **CONTENTS OF THE PERMANENT PARENTING PLAN.** The permanent parenting plan shall contain provisions for resolution of future disputes between the parents, allocation of decision-making authority, and residential provisions for the child.

(3) **DISPUTE RESOLUTION.** A process for resolving disputes, other than court action, shall be provided unless precluded or limited by RCW 26.09.187 or 26.09.191. A dispute resolution process may include counseling, mediation, or arbitration by a specified individual or agency, or court action. In the dispute resolution process:

- (a) Preference shall be given to carrying out the parenting plan;
- (b) The parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support, unless an emergency exists;
- (c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party;
- (d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the prevailing parent;
- (e) The parties have the right of review from the dispute resolution process to the superior court; and
- (f) The provisions of (a) through (e) of this subsection shall be set forth in the decree.

(4) **ALLOCATION OF DECISION-MAKING AUTHORITY.**

(a) The plan shall allocate decision-making authority to one or both parties regarding the children's education, health care, and religious upbringing. The parties may incorporate an agreement related to the care and growth of the child in these specified areas, or in other areas, into their plan, consistent with the criteria in RCW 26.09.187 and 26.09.191. Regardless of the allocation of decision-making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child.

(b) Each parent may make decisions regarding the day-to-day care and control of the child while the child is residing with that parent.

(c) When mutual decision making is designated but cannot be achieved, the parties shall make a good-faith effort to resolve the issue through the dispute resolution process.

(5) **RESIDENTIAL PROVISIONS FOR THE CHILD.** The plan shall include a residential schedule which designates in which parent's home each minor child shall reside on given days of the year, including provision for holidays, birthdays of family members, vacations, and other special occasions, consistent with the criteria in RCW 26.09.187 and 26.09.191.

(6) **PARENTS' OBLIGATION UNAFFECTED.** If a parent fails to comply with a provision of a parenting plan or a child support order, the other parent's obligations under the parenting plan or the child support order are not affected. Failure to comply with a provision in a parenting plan or a child support order may result in a finding of contempt of court, under RCW 26.09.160.

(7) PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN.

The permanent parenting plan shall set forth the provisions of subsections (3) (a) through (c), (4) (b) and (c), and (6) of this section.

Sec. 8. RCW 26.09.225 and 1990 1st ex.s. c 2 s 18 are each amended to read as follows:

(1) Each parent shall have full and equal access to the education ((and health care)) records of the child absent a court order to the contrary. Educational records include records of public and private schools in all grades kindergarten through twelve and any form of alternative school or postsecondary educational institution for all periods for which child support is paid or the child is the dependent in fact of the parent requesting access to the records. Neither parent may veto the access requested by the other parent and neither parent nor child nor any educational institution may assert a privilege on behalf of the child.

(2) Each parent shall have full and equal access to the health care records of the child absent a court order to the contrary. Neither parent may veto the access requested by the other parent and neither parent nor child nor health care provider may assert a privilege on behalf of the child.

Sec. 9. RCW 26.09.260 and 1989 c 375 s 14 and 1989 c 318 s 3 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in subsection (4) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

((2)) (3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

((3)) (4) The court may order adjustments to a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a:

(a) Modification in the dispute resolution process; or

(b) Minor modification in the residential schedule that:

(i) Does not change the residence the child is scheduled to reside in the majority of the time; and

(ii) Does not exceed twenty-four full days in a calendar year or five full days in a calendar month; or

(iii) Is based on a change of residence or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow.

(5) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party.

Sec. 10. RCW 26.09.280 and 1987 c 460 s 20 are each amended to read as follows:

~~(Hereafter)~~ Every action or proceeding to change, modify, or enforce any final order, judgment, or decree ~~(heretofore or hereafter)~~ entered in any dissolution or legal separation or declaration concerning the validity of a marriage, whether under this chapter or prior law, ~~((in relation to))~~ regarding the parenting plan or child support for the minor children of the marriage may be brought in the county where ~~((said))~~ the minor children are then residing, or in the court in which ~~((said))~~ the final order, judgment, or decree was entered, or in the county where the parent or other person who has the care, custody, or control of the ~~((said))~~ children is then residing.

Sec. 11. RCW 26.12.010 and 1983 c 219 s 1 are each amended to read as follows:

Each superior court shall exercise the jurisdiction conferred by this chapter and while sitting in the exercise of such jurisdiction shall be known and referred to as the "family court." A family law proceeding under this chapter is any proceeding under this title or any proceeding in which the family court is requested to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of parenting plans, child custody, visitation, or support, or the distribution of property or obligations.

Sec. 12. RCW 26.12.060 and 1988 c 232 s 4 are each amended to read as follows:

The ~~((family))~~ court commissioners shall: (1) ~~((Receive all applications and complaints filed in the family court for the purpose of disposing of them pursuant to this chapter))~~ Make appropriate referrals to county family court services program if the county has a family court services program; (2) ~~((investigate))~~ order investigation and reporting of the facts upon which to base warrants, subpoenas, orders or directions in actions or proceedings ((filed in or transferred to the family court pursuant to)) under this chapter; (3) ~~((for the purpose of this chapter,))~~ exercise all the powers and perform all the duties of ~~((regular))~~ court commissioners; (4) ~~((hold conciliation conferences with parties to and hearings in proceedings under this chapter and))~~ make written reports of all proceedings had which shall become a part of the record of the family court; (5) provide ~~((such))~~ supervision ~~((in connection with))~~ over the exercise of its jurisdiction as the judge of the family court may order; (6) cause the orders and findings of the family court to be entered in the same manner as orders and findings are entered in cases in the superior court; (7) cause ~~((such))~~ other reports to be made and records kept as will indicate the value and extent of ~~((such conciliation service))~~ reconciliation, mediation, investigation, and treatment services; and (8) conduct hearings under chapter 13.34 RCW as provided in RCW 13.04.021.

Sec. 13. RCW 26.12.170 and 1983 c 219 s 5 are each amended to read as follows:

~~((The hearing shall be conducted informally as a conference or series of conferences to effect the reconciliation of the parties or an amicable adjustment or settlement of the issues of the controversy.))~~ To facilitate and promote the purposes of this chapter, ~~((the))~~ family court judges and court commissioners may order or recommend family court services, drug and alcohol abuse evaluations and monitoring of the parties through public or private treatment services, other treatment services, the aid of physicians, psychiatrists, ~~((or))~~ other specialists, or other services or may recommend the aid of the pastor or director of any religious denomination to which the parties may belong. ~~((Such aid, however, shall be at the expense of the parties involved and shall not be at the expense of the court or of the county unless the board of county commissioners shall specifically authorize such aid.))~~

If the court has reasonable cause to believe that a child of the parties has suffered abuse or neglect it may file a report with the proper law enforcement agency or the department of social and health services as provided in RCW 26.44.040. Upon receipt

of such a report the law enforcement agency or the department of social and health services will conduct an investigation into the cause and extent of the abuse or neglect. The findings of the investigation may be made available to the court if ordered by the court as provided in RCW 42.17.310(3). The findings shall be restricted to the issue of abuse and neglect and shall not be considered custody investigations.

Sec. 14. RCW 26.12.190 and 1983 c 219 s 7 are each amended to read as follows:

(1) ~~((During the period of thirty days after filing a petition for conciliation no family law proceeding shall be filed by either party and further proceedings in a family law proceeding then pending in the superior court shall be stayed and the case transferred to the family court.))~~ The family court shall have jurisdiction and full power in all pending cases to make, alter, modify, and enforce all temporary and permanent orders ~~((orders for))~~ regarding the following: Parenting plans, child support, custody of children, visitation, possession of property, maintenance, contempt, custodial interference, and orders for attorneys' fees, suit money or costs as may appear just and equitable. Court commissioners or judges shall not have authority to require the parties to mediate disputes concerning child support.

(2) ~~((If, after the expiration of such thirty day period or the formal conclusion of the proceedings for conciliation, the controversy between the parties has not been terminated, either party may apply for further relief by filing in the clerk's office additional pleadings or by asking that the pending case be set for trial. The family court has full jurisdiction to hear, try, and determine family law proceedings under the laws relating thereto, and to retain jurisdiction of the case for further hearings on decrees or orders to be made therein.~~

(3) ~~The conciliation provisions of this chapter may be used concerning support, visitation, contempt, or for modification based on changed conditions or for other problems between the parties related to the family law proceeding.~~

(4) ~~Except as specifically so provided nothing in this chapter shall be construed to repeal, nullify or change the law and procedure relating to family law proceedings. The family court shall, when application for relief is made under this chapter, apply provisions governing family law proceedings in the same manner as if the action had been brought thereunder in the superior court, save that the conciliation procedures of the family court shall be applied so far as appropriate to arrive at an amicable settlement of all issues in controversy.))~~ Family court investigation, evaluation, mediation, treatment, and reconciliation services, and any other services may be used to assist the court to develop an order as the court deems necessary to preserve the marriage, implement an amicable settlement, and resolve the issues in controversy.

Sec. 15. RCW 26.12.220 and 1980 c 124 s 1 are each amended to read as follows:

(1) The legislative authority of any county may authorize family court services as provided in RCW 26.12.230. The legislative authority may impose a fee in excess of that prescribed in RCW 36.18.010 for the issuance of a marriage license((- PROVIDED, That such)). The fee shall not exceed eight dollars.

(2) In addition to any other funds used therefor, the governing body of any county shall use the proceeds from the fee increase authorized by this section to pay the expenses of the family court and the family court services under chapter 26.12 RCW. If there is no family court in the county, the legislative authority may provide such services through other county agencies or may contract with a public or private agency or person to provide such services. Family court services also may be provided jointly with other counties as provided in RCW 26.12.230.

(3) The family court services program may hire professional employees to provide the investigation, evaluation and reporting, and mediation services, or the county may contract for these services, or both. To facilitate and promote the purposes of this chapter, the court may order or recommend the aid of physicians, psychiatrists, or other specialists.

(4) The family court services program may provide or contract for: (a) Mediation; (b) investigation, evaluation, and reporting to the court; and (c) reconciliation; and may provide a referral mechanism for drug and alcohol testing, monitoring, and treatment; and any other treatment, parenting, or anger management programs the family court professional considers necessary or appropriate.

(5) Services other than family court investigation, evaluation, reconciliation, and mediation services shall be at the expense of the parties involved absent a court order to the contrary. The parties shall bear all or a portion of the family court investigation, evaluation, reconciliation, and mediation services according to the parties' ability to pay.

(6) The county legislative authority may establish rules of eligibility for ((conciliation)) the family court services funded under this section ((so long as its)). The rules ((do)) shall not conflict with rules of the court adopted under chapter 26.12 RCW or any other statute.

((4)) (7) The legislative authority may establish fees for family court investigation, evaluation, reconciliation, and mediation services under this chapter according to the parties' ability to pay for the services. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate account to be used as provided in this section.

NEW SECTION. Sec. 16. The family court shall give proceedings involving children priority over cases without children.

NEW SECTION. Sec. 17. The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian is in the best interests of the child in any proceeding under this chapter. The family court services professionals shall make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority.

NEW SECTION. Sec. 18. All acts and proceedings of the court commissioners shall be subject to revision by the superior court as provided in RCW 2.24.050.

NEW SECTION. Sec. 19. (1) Any state funds appropriated in the omnibus operating budget appropriations act for the 1991-93 biennium to the office of the administrator for the courts for the purposes of funding county family courts and county family court services shall be distributed to the eligible counties as provided in this section.

(2) Any appropriation in the omnibus operating budget appropriations act for the purposes of implementing this section is contingent on an equal amount of money being provided by the county from nonstate sources, whether public or private.

(3) Any county that has implemented or has committed to implement a family court and family court services on or before January 1, 1993, is eligible for available appropriated state funds if the county: (a) Obtains approval of an application under subsection (4) of this section; and (b) commits to spend money from public or private nonstate funding sources over a one-year period beginning on the date the county receives state funding, in an amount that is equal to or greater than the state funds distributed to the county under subsection (4) of this section. Any state funding is contingent on the county maintaining the family court and the family court services over the one-year period after disbursement of state funds to the county.

(4) The office of the administrator for the courts shall accept applications for state funds until March 1, 1992. After the application period expires, the office of the administrator for the courts shall determine each eligible county's percentage of the funds appropriated for family courts and family court services. An eligible county's percentage

share of the appropriated funds shall be the same percentage as the number of cases filed in that county under Title 26 RCW, divided by the number of cases filed under Title 26 RCW in all the eligible counties. The initial determination of the number of case filings in each eligible county shall be based upon the office of the administrator for the courts' most recent annual report. The office of the administrator for the courts shall adjust the calculation of the number of filings in each county if any county has a disproportionate number of filings due to changes of venue or cases in which both parties live in another county. The office of the administrator for the courts may begin disbursing the state funds by July 1, 1992, to eligible counties. The office of the administrator for the courts shall disburse the state funds not later than January 1, 1993, to eligible counties. The counties must use the state funds over a one-year period from the date of disbursement. The counties that provide family courts and family court services pursuant to a joint family court services contract under RCW 26.12.230 may apply for state funds jointly and their eligibility for state funding shall be determined in the same manner as the eligibility of individual counties.

(5) The office of the administrator for the courts shall develop an application form for applying for state funds under this subsection. The office of the administrator for the courts shall develop rules to determine whether a county applying for state funds (a) has implemented or has committed to implement a family court and family court services under this chapter; (b) has committed nonstate funds for a one-year period following disbursement of the state funds to continue the family court and the family court services through that one-year period; and (c) has spent the matching funds required to obtain the state funds.

Sec. 20. RCW 26.18.100 and 1989 c 416 s 10 are each amended to read as follows:
The wage assignment order shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF

.....

.....
Obligee
No.....
vs.

.....
WAGE ASSIGNMENT
Obligor
ORDER

.....
Employer

THE STATE OF WASHINGTON TO:

Employer
AND TO:
Obligor

The above-named obligee claims that the above-named obligor is more than fifteen days past due in child support payments in an amount equal to or greater than the child support payable for one month. The amount of the accrued child support debt as of this date is dollars, the amount of arrearage payments specified in the support order (if applicable) is dollars per, and the amount of the current and continuing support obligation under the support order is dollars per

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the Washington state support registry, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this wage assignment order upon you.

If you possess any earnings due and owing to the obligor, then you shall do as follows:

(1) Withhold from the obligor's earnings each month, or from each regular earnings disbursement, the lesser of:

(a) The sum of the accrued support debt and the current support obligation;

(b) The sum of the specified arrearage payment amount and the current support obligation; or

(c) Fifty percent of the disposable earnings of the obligor.

(2) The total amount withheld above is subject to the wage assignment order, and all other sums may be disbursed to the obligor.

(3) Upon receipt of this wage assignment order you shall make immediate deductions from the obligor's earnings and remit to the Washington state support registry the proper amounts at each regular pay interval.

You shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by:

(a) The court that the wage assignment has been modified or terminated; ((or))

(b) The Washington state support registry, office of support enforcement that the accrued child support debt has been paid; or

(c) The court that has entered an order delaying, modifying, or terminating the wage assignment order and has approved an alternate payment plan as provided in RCW 26.23.050(2).

You shall promptly notify the court and the Washington state support registry if and when the employee is no longer employed by you. If you no longer employ the employee, the wage assignment order shall remain in effect for one year after the employee has left your employment or your are no longer in possession of any earnings owed to the employee. You shall continue to hold the wage assignment order during that one-year period. If the employee returns to your employment during the one-year period you shall immediately begin to withhold the employee's earnings according to the terms of the wage assignment order. If the employee has not returned to your employment within one year, the wage assignment will cease to have effect at the expiration of the one-year period.

You shall deliver the withheld earnings to the Washington state support registry at each regular pay interval(~~(, but the first delivery shall occur no sooner than twenty days after your receipt of this wage assignment order)~~).

You shall deliver a copy of this order to the obligor as soon as is reasonably possible. This wage assignment order has priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold or deliver under chapter 74.20A RCW.

WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR

OBLIGOR'S CLAIMED SUPPORT DEBT TO THE OBLIGEE OR
SUBJECT TO CONTEMPT OF COURT.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

DATED THIS ... day of ..., 19

Obligee,
Judge/Court, Commissioner
or obligee's attorney

Sec. 21. RCW 26.18.110 and 1989 c 416 s 11 are each amended to read as follows:

(1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the obligor is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple child support attachments against the obligor.

(2) If the employer possesses any earnings due and owing to the obligor, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The withheld earnings shall be delivered to the Washington state support registry at each regular pay interval (~~(, but the first delivery shall occur no sooner than twenty days after receipt of the wage assignment order)~~).

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by:

(a) The court that the wage assignment has been modified or terminated; ~~(or)~~

(b) The Washington state support registry that the accrued child support debt has been paid, provided the wage assignment order contains the language set forth under RCW 26.18.100(2)(b). The employer shall promptly notify the Washington state support registry when the employee is no longer employed. If the employer no longer employs the employee, the wage assignment order shall remain in effect for one year after the employee has left the employment or the employer has been in possession of any earnings owed to the employee. The employer shall continue to hold the wage assignment order during that one-year period. If the employee returns to the employer's employment during the one-year period the employer shall immediately begin to withhold the employee's earnings according to the terms of the wage assignment order. If the employee has not returned within one year, the wage assignment shall cease to have effect at the expiration of the one-year period; or

(c) The court that has entered an order delaying, modifying, or terminating the wage assignment order and has approved an alternate payment plan as provided in RCW 26.23.050(2).

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed (a) ten dollars for the first disbursement made by the employer to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the clerk.

(5) An order for wage assignment for support entered under this chapter shall have priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold and deliver under chapter 74.20A RCW.

(6) An employer who fails to withhold earnings as required by a wage assignment issued under this chapter may be held liable to the obligee for ~~((the amounts disbursed to the obligor in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law))~~ one hundred percent of the support debt, or the amount of support moneys that should have been withheld from the employee's earnings whichever is the lesser amount, if the employer:

(a) Fails or refuses, after being served with a wage assignment order, to deduct and promptly remit from the unpaid earnings the amounts of money required in the order;

(b) Fails or refuses to submit an answer to the notice of wage assignment after being served; or

(c) Is unwilling to comply with the other requirements of this section.

Liability may be established in superior court. Awards in superior court shall include costs, interest under RCW 19.52.020 and 4.56.110, and reasonable attorneys' fees.

(7) No employer who complies with a wage assignment issued under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment issued and executed under this chapter. ~~((A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law))~~ If an employer discharges, disciplines, or refuses to hire an employee in violation of this section, the employee or person shall have a cause of action against the employer. The employer shall be liable for double the amount of damages suffered as a result of the violation and for costs and reasonable attorneys' fees, and shall be subject to a civil penalty of not more than two thousand five hundred dollars for each violation. The employer may also be ordered to hire, rehire, or reinstate the aggrieved individual.

(9) An employer may combine amounts withheld from various employees into a single payment to the Washington state support registry, if the payment includes a listing of the amounts attributable to each employee and other information as required by the registry.

(10) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

Sec. 22. RCW 26.18.140 and 1984 c 260 s 14 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in a hearing to quash, modify, or terminate the wage assignment order, the court may grant relief only upon a showing that the wage assignment order causes extreme hardship or substantial injustice. Satisfaction by the obligor of all past due payments subsequent to the issuance of the wage assignment order is not grounds to quash, modify, or terminate the wage assignment order. If a wage assignment order has been in operation for twelve consecutive months and the obligor's support obligation is current, the court may terminate the order upon motion of the obligor unless the obligee can show good cause as to why the wage assignment order should remain in effect.

(2) The court may enter an order delaying, modifying, or terminating the wage assignment order and order the obligor to make payments directly to the obligee if the court approves an alternate payment plan as provided in RCW 26.23.050(2).

Sec. 23. RCW 26.19.001 and 1988 c 275 s 1 are each amended to read as follows:

The legislature intends, in establishing a child support schedule, to insure that child support orders are adequate to meet a child's basic needs and to provide additional child support commensurate with the parents' own income((,)) and resources((, and standard of living)) while recognizing that all parties to a divorce may by necessity suffer a reduced standard of living as a result of the divorce. The legislature also intends that the child support obligation should be equitably apportioned between the parents.

The legislature finds that these goals will be best achieved by the adoption and use of a state-wide child support schedule. Use of a state-wide schedule will benefit children and their parents by:

- (1) Increasing the adequacy of child support orders through the use of economic data as the basis for establishing the child support schedule;
- (2) Increasing the equity of child support orders by providing for comparable orders in cases with similar circumstances; and
- (3) Reducing the adversarial nature of the proceedings by increasing voluntary settlements as a result of the greater predictability achieved by a uniform state-wide child support schedule.

NEW SECTION. Sec. 24. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Basic child support obligation" means the monthly child support obligation determined from the economic table based on the parties' combined monthly net income and the number of children for whom support is owed.

(2) "Child support schedule" means the standards, economic table, worksheets, and instructions, as defined in this chapter.

(3) "Court" means a superior court judge, court commissioner, and presiding and reviewing officers who administratively determine or enforce child support orders.

(4) "Deviation" means a child support amount that differs from the standard calculation.

(5) "Economic table" means the child support table for the basic support obligation provided in RCW 26.19.020.

(6) "Instructions" means the instructions developed by the office of the administrator for the courts pursuant to RCW 26.19.050 for use in completing the worksheets.

(7) "Multiple families" means all the possible combinations of families in which a party has children from more than one relationship to whom the party owes a duty to support. Possible combinations include any natural, adopted, or stepchildren to whom the person owes a duty of support, whether or not the children are illegitimate or were born during a former or existing marriage, and whether or not the children reside with the person obligated to support them.

(8) "Standards" means the standards for determination of child support as provided in sections 27 through 33 of this act and RCW 26.19.090.

(9) "Standard calculation" means the presumptive amount of child support owed as determined from the child support schedule before the court considers any reasons for deviation.

(10) "Support transfer payment" means the amount of money the court orders one parent to pay to another parent or custodian for child support after determination of the standard calculation and deviations. If certain expenses or credits are expected to fluctuate and the order states a formula or percentage to determine the additional amount or credit on an ongoing basis, the term "support transfer payment" does not mean the additional amount or credit.

(11) "Worksheets" means the forms developed by the office of the administrator for the courts pursuant to RCW 26.19.050 for use in determining the amount of child support.

Sec. 25. RCW 26.19.020 and 1990 1st ex.s. c 2 s 19 are each amended to read as follows:

~~((If approved by a majority vote of the superior court judges of a county, the superior court may adopt by local court rule an economic table that shall be used by the superior court of that county, instead of the economic table adopted by the commission, to determine the appropriate amount of child support. The economic table adopted by the superior court shall not vary by more than twenty five percent from the economic table adopted by the commission and shall not vary the economic table for combined monthly net income of two thousand five hundred dollars or less.))~~

ECONOMIC TABLE
MONTHLY BASIC SUPPORT OBLIGATION PER CHILD
KEY: A = AGE 0-11 B = AGE 12-18

<u>COMBINED</u> <u>MONTHLY</u> <u>NET</u> <u>INCOME</u>	<u>ONE</u> <u>CHILD</u> <u>FAMILY</u>		<u>TWO</u> <u>CHILDREN</u> <u>FAMILY</u>	
	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>
0				
100				
200				
300	For income less than \$600 the obligation			
400	is based upon the resources and living expenses			
500	of each household. Minimum support shall not be			
	less than \$25 per child per month.			
600	133	164	103	127
700	155	191	120	148
800	177	218	137	170
900	199	246	154	191
1000	220	272	171	211
1100	242	299	188	232
1200	264	326	205	253
1300	285	352	221	274
1400	307	379	238	294
1500	327	404	254	313
1600	347	428	269	333
1700	367	453	285	352
1800	387	478	300	371
1900	407	503	316	390
2000	427	527	331	409
2100	447	552	347	429
2200	467	577	362	448
2300	487	601	378	467
2400	506	626	393	486
2500	526	650	408	505
2600	534	661	416	513
2700	542	670	421	520
2800	549	679	427	527
2900	556	686	431	533
3000	561	693	436	538
3100	566	699	439	543
3200	569	704	442	546
3300	573	708	445	549
3400	574	710	446	551
3500	575	711	447	552
3600	577	712	448	553
3700	578	713	449	554
3800	581	719	452	558
3900	596	736	463	572

<u>4000</u>	<u>609</u>	<u>753</u>	<u>473</u>	<u>584</u>
<u>4100</u>	<u>623</u>	<u>770</u>	<u>484</u>	<u>598</u>
<u>4200</u>	<u>638</u>	<u>788</u>	<u>495</u>	<u>611</u>
<u>4300</u>	<u>651</u>	<u>805</u>	<u>506</u>	<u>625</u>
<u>4400</u>	<u>664</u>	<u>821</u>	<u>516</u>	<u>637</u>
<u>4500</u>	<u>677</u>	<u>836</u>	<u>525</u>	<u>649</u>
<u>4600</u>	<u>689</u>	<u>851</u>	<u>535</u>	<u>661</u>
<u>4700</u>	<u>701</u>	<u>866</u>	<u>545</u>	<u>673</u>
<u>4800</u>	<u>713</u>	<u>882</u>	<u>554</u>	<u>685</u>
<u>4900</u>	<u>726</u>	<u>897</u>	<u>564</u>	<u>697</u>
<u>5000</u>	<u>738</u>	<u>912</u>	<u>574</u>	<u>708</u>
<u>5100</u>	<u>751</u>	<u>928</u>	<u>584</u>	<u>720</u>
<u>5200</u>	<u>763</u>	<u>943</u>	<u>593</u>	<u>732</u>
<u>5300</u>	<u>776</u>	<u>959</u>	<u>602</u>	<u>744</u>
<u>5400</u>	<u>788</u>	<u>974</u>	<u>612</u>	<u>756</u>
<u>5500</u>	<u>800</u>	<u>989</u>	<u>622</u>	<u>768</u>
<u>5600</u>	<u>812</u>	<u>1004</u>	<u>632</u>	<u>779</u>
<u>5700</u>	<u>825</u>	<u>1019</u>	<u>641</u>	<u>791</u>
<u>5800</u>	<u>837</u>	<u>1035</u>	<u>650</u>	<u>803</u>
<u>5900</u>	<u>850</u>	<u>1050</u>	<u>660</u>	<u>815</u>
<u>6000</u>	<u>862</u>	<u>1065</u>	<u>670</u>	<u>827</u>
<u>6100</u>	<u>875</u>	<u>1081</u>	<u>680</u>	<u>839</u>
<u>6200</u>	<u>887</u>	<u>1096</u>	<u>689</u>	<u>851</u>
<u>6300</u>	<u>899</u>	<u>1112</u>	<u>699</u>	<u>863</u>
<u>6400</u>	<u>911</u>	<u>1127</u>	<u>709</u>	<u>875</u>
<u>6500</u>	<u>924</u>	<u>1142</u>	<u>718</u>	<u>887</u>
<u>6600</u>	<u>936</u>	<u>1157</u>	<u>728</u>	<u>899</u>
<u>6700</u>	<u>949</u>	<u>1172</u>	<u>737</u>	<u>911</u>
<u>6800</u>	<u>961</u>	<u>1188</u>	<u>747</u>	<u>923</u>
<u>6900</u>	<u>974</u>	<u>1203</u>	<u>757</u>	<u>935</u>
<u>7000</u>	<u>986</u>	<u>1218</u>	<u>767</u>	<u>946</u>

COMBINED

<u>MONTHLY</u>	<u>THREE</u>		<u>FOUR</u>		<u>FIVE</u>	
<u>NET</u>	<u>CHILDREN</u>		<u>CHILDREN</u>		<u>CHILDREN</u>	
<u>INCOME</u>	<u>FAMILY</u>		<u>FAMILY</u>		<u>FAMILY</u>	

<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>
----------	----------	----------	----------	----------	----------

<u>0</u>
<u>100</u>
<u>200</u>
<u>300</u>
<u>400</u>
<u>500</u>

For income less than \$600 the obligation is based upon the resources and living expenses of each household. Minimum support shall not be less than \$25 per child per month.

<u>600</u>	<u>86</u>	<u>106</u>	<u>73</u>	<u>90</u>	<u>63</u>	<u>.78</u>
<u>700</u>	<u>100</u>	<u>124</u>	<u>85</u>	<u>105</u>	<u>74</u>	<u>91</u>
<u>800</u>	<u>115</u>	<u>142</u>	<u>97</u>	<u>120</u>	<u>84</u>	<u>104</u>
<u>900</u>	<u>129</u>	<u>159</u>	<u>109</u>	<u>135</u>	<u>95</u>	<u>118</u>

<u>1000</u>	<u>143</u>	<u>177</u>	<u>121</u>	<u>149</u>	<u>105</u>	<u>130</u>
<u>1100</u>	<u>157</u>	<u>194</u>	<u>133</u>	<u>164</u>	<u>116</u>	<u>143</u>
<u>1200</u>	<u>171</u>	<u>211</u>	<u>144</u>	<u>179</u>	<u>126</u>	<u>156</u>
<u>1300</u>	<u>185</u>	<u>228</u>	<u>156</u>	<u>193</u>	<u>136</u>	<u>168</u>
<u>1400</u>	<u>199</u>	<u>246</u>	<u>168</u>	<u>208</u>	<u>147</u>	<u>181</u>
<u>1500</u>	<u>212</u>	<u>262</u>	<u>179</u>	<u>221</u>	<u>156</u>	<u>193</u>
<u>1600</u>	<u>225</u>	<u>278</u>	<u>190</u>	<u>235</u>	<u>166</u>	<u>205</u>
<u>1700</u>	<u>238</u>	<u>294</u>	<u>201</u>	<u>248</u>	<u>175</u>	<u>217</u>
<u>1800</u>	<u>251</u>	<u>310</u>	<u>212</u>	<u>262</u>	<u>185</u>	<u>228</u>
<u>1900</u>	<u>264</u>	<u>326</u>	<u>223</u>	<u>275</u>	<u>194</u>	<u>240</u>
<u>2000</u>	<u>277</u>	<u>342</u>	<u>234</u>	<u>289</u>	<u>204</u>	<u>252</u>
<u>2100</u>	<u>289</u>	<u>358</u>	<u>245</u>	<u>303</u>	<u>213</u>	<u>264</u>
<u>2200</u>	<u>302</u>	<u>374</u>	<u>256</u>	<u>316</u>	<u>223</u>	<u>276</u>
<u>2300</u>	<u>315</u>	<u>390</u>	<u>267</u>	<u>330</u>	<u>233</u>	<u>288</u>
<u>2400</u>	<u>328</u>	<u>406</u>	<u>278</u>	<u>343</u>	<u>242</u>	<u>299</u>
<u>2500</u>	<u>341</u>	<u>421</u>	<u>288</u>	<u>356</u>	<u>251</u>	<u>311</u>
<u>2600</u>	<u>346</u>	<u>428</u>	<u>293</u>	<u>362</u>	<u>256</u>	<u>316</u>
<u>2700</u>	<u>351</u>	<u>435</u>	<u>298</u>	<u>368</u>	<u>259</u>	<u>321</u>
<u>2800</u>	<u>356</u>	<u>440</u>	<u>301</u>	<u>372</u>	<u>262</u>	<u>324</u>
<u>2900</u>	<u>360</u>	<u>445</u>	<u>305</u>	<u>376</u>	<u>266</u>	<u>328</u>
<u>3000</u>	<u>364</u>	<u>449</u>	<u>308</u>	<u>380</u>	<u>268</u>	<u>331</u>
<u>3100</u>	<u>367</u>	<u>453</u>	<u>310</u>	<u>383</u>	<u>270</u>	<u>334</u>
<u>3200</u>	<u>369</u>	<u>457</u>	<u>312</u>	<u>386</u>	<u>272</u>	<u>336</u>
<u>3300</u>	<u>371</u>	<u>459</u>	<u>314</u>	<u>388</u>	<u>273</u>	<u>339</u>
<u>3400</u>	<u>372</u>	<u>460</u>	<u>315</u>	<u>389</u>	<u>274</u>	<u>340</u>
<u>3500</u>	<u>373</u>	<u>461</u>	<u>316</u>	<u>390</u>	<u>275</u>	<u>341</u>
<u>3600</u>	<u>374</u>	<u>462</u>	<u>317</u>	<u>391</u>	<u>276</u>	<u>342</u>
<u>3700</u>	<u>375</u>	<u>463</u>	<u>318</u>	<u>392</u>	<u>277</u>	<u>343</u>
<u>3800</u>	<u>377</u>	<u>466</u>	<u>319</u>	<u>394</u>	<u>278</u>	<u>344</u>
<u>3900</u>	<u>386</u>	<u>477</u>	<u>326</u>	<u>404</u>	<u>284</u>	<u>352</u>
<u>4000</u>	<u>395</u>	<u>488</u>	<u>334</u>	<u>413</u>	<u>291</u>	<u>360</u>
<u>4100</u>	<u>404</u>	<u>500</u>	<u>341</u>	<u>422</u>	<u>298</u>	<u>368</u>
<u>4200</u>	<u>413</u>	<u>511</u>	<u>350</u>	<u>431</u>	<u>305</u>	<u>377</u>
<u>4300</u>	<u>422</u>	<u>522</u>	<u>357</u>	<u>441</u>	<u>311</u>	<u>385</u>
<u>4400</u>	<u>431</u>	<u>532</u>	<u>364</u>	<u>449</u>	<u>317</u>	<u>392</u>
<u>4500</u>	<u>438</u>	<u>542</u>	<u>371</u>	<u>458</u>	<u>323</u>	<u>400</u>
<u>4600</u>	<u>446</u>	<u>552</u>	<u>377</u>	<u>467</u>	<u>329</u>	<u>407</u>
<u>4700</u>	<u>455</u>	<u>562</u>	<u>384</u>	<u>475</u>	<u>335</u>	<u>414</u>
<u>4800</u>	<u>463</u>	<u>572</u>	<u>391</u>	<u>483</u>	<u>341</u>	<u>422</u>
<u>4900</u>	<u>470</u>	<u>581</u>	<u>398</u>	<u>491</u>	<u>347</u>	<u>429</u>
<u>5000</u>	<u>479</u>	<u>592</u>	<u>404</u>	<u>500</u>	<u>353</u>	<u>437</u>
<u>5100</u>	<u>487</u>	<u>602</u>	<u>411</u>	<u>509</u>	<u>359</u>	<u>443</u>
<u>5200</u>	<u>494</u>	<u>611</u>	<u>418</u>	<u>517</u>	<u>365</u>	<u>451</u>
<u>5300</u>	<u>503</u>	<u>621</u>	<u>425</u>	<u>525</u>	<u>371</u>	<u>458</u>
<u>5400</u>	<u>511</u>	<u>632</u>	<u>432</u>	<u>533</u>	<u>377</u>	<u>466</u>
<u>5500</u>	<u>518</u>	<u>641</u>	<u>439</u>	<u>542</u>	<u>383</u>	<u>473</u>
<u>5600</u>	<u>527</u>	<u>651</u>	<u>446</u>	<u>551</u>	<u>389</u>	<u>480</u>
<u>5700</u>	<u>535</u>	<u>661</u>	<u>452</u>	<u>559</u>	<u>395</u>	<u>488</u>
<u>5800</u>	<u>543</u>	<u>671</u>	<u>459</u>	<u>567</u>	<u>401</u>	<u>495</u>
<u>5900</u>	<u>551</u>	<u>681</u>	<u>466</u>	<u>575</u>	<u>407</u>	<u>502</u>
<u>6000</u>	<u>559</u>	<u>691</u>	<u>473</u>	<u>584</u>	<u>413</u>	<u>509</u>
<u>6100</u>	<u>567</u>	<u>701</u>	<u>479</u>	<u>593</u>	<u>418</u>	<u>517</u>
<u>6200</u>	<u>575</u>	<u>710</u>	<u>486</u>	<u>601</u>	<u>424</u>	<u>524</u>

6300	583	721	493	609	430	532
6400	591	731	500	617	436	539
6500	599	740	506	626	442	546
6600	607	750	513	635	448	554
6700	615	761	520	643	454	561
6800	623	770	527	651	460	568
6900	631	780	533	659	466	575
7000	639	790	540	668	472	583

The economic table is presumptive for combined monthly net incomes up to and including five thousand dollars. When combined monthly net income exceeds five thousand dollars, support shall not be set at an amount lower than the presumptive amount of support set for combined monthly net incomes of five thousand dollars unless the court finds a reason to deviate below that amount. The economic table is advisory but not presumptive for combined monthly net incomes that exceed five thousand dollars. When combined monthly net income exceeds seven thousand dollars, the court may set support at an advisory amount of support set for combined monthly net incomes between five thousand and seven thousand dollars or the court may exceed the advisory amount of support set for combined monthly net incomes of seven thousand dollars upon written findings of fact.

NEW SECTION. Sec. 26. The legislature shall review the support schedule every four years to determine if the application of the support schedule results in appropriate support orders.

NEW SECTION. Sec. 27. **STANDARDS FOR CHILD SUPPORT SCHEDULE APPLICATION.** (1) Application of the child support schedule. The child support schedule shall be applied:

- (a) In each county of the state;
- (b) In judicial and administrative proceedings under this title or Title 13 or 74 RCW;
- (c) In all proceedings in which child support is determined or modified;
- (d) In setting temporary and permanent support;
- (e) In automatic modification provisions or decrees entered pursuant to RCW 26.09.100; and
- (f) In addition to proceedings in which child support is determined for minors, to adult children who are dependent on their parents and for whom support is ordered pursuant to RCW 26.09.100.

The provisions of this chapter for determining child support and reasons for deviation from the standard calculation shall be applied in the same manner by the court, presiding officers, and reviewing officers.

(2) Written findings of fact supported by the evidence. An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for any deviation from the standard calculation and reasons for denial of a party's request for deviation from the standard calculation.

(3) Completion of worksheets. Worksheets in the form developed by the office of the administrator for the courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the office of the administrator for the courts.

(4) Court review of the worksheets and order. The court shall review the worksheets and the order setting support for the adequacy of the reasons set forth for any deviation or denial of any request for deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. Worksheets shall

be attached to the decree or order or if filed separately shall be initialed or signed by the judge and filed with the order.

NEW SECTION. Sec. 28. STANDARDS FOR ALLOCATION OF CHILD SUPPORT OBLIGATION BETWEEN PARENTS. (1) The parents' total obligation for support shall be based on their combined monthly net income, resources, and special child rearing costs.

(2) The basic child support obligation derived from the economic table shall be allocated between the parents based on each parent's share of the combined monthly net income.

(3) Ordinary health care expenses are included in the economic table. Monthly health care expenses that exceed five percent of the basic support obligation shall be considered extraordinary health care expenses. Extraordinary health care expenses, day care expenses, and special child rearing expenses such as tuition and long distance transportation costs to and from the parents for visitation purposes, are not included in the economic table. These expenses shall be shared by the parents in the same proportion as the basic support obligation. These expenses may be listed as a specific dollar amount or as a percentage amount. Day care expenses include, but are not limited to, day care expenses incurred while the parent in custody of the child is working, pursuing accredited educational training, or obtaining medical care.

(4) The court shall exercise discretion to determine the necessity for and the reasonableness of all amounts ordered in excess of the basic support obligation.

NEW SECTION. Sec. 29. STANDARDS FOR DETERMINATION OF INCOME. (1) Consideration of all income. All income and resources of each parent shall be disclosed and considered by the court when the court determines the child support obligation of each parent as provided in sections 29 through 33 of this act. Only the income of the parents of the children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation. The income of new spouses or cohabitants shall be disclosed but shall not be considered by the court for deviation unless either parent obligated to pay support seeks a deviation from the standard calculation for support of children for whom the new spouse or cohabitant also owes a duty of support. If a deviation is sought for the support of the new spouse's or cohabitant's children, all income and resources of both parents and both parents' new spouses or cohabitants if any shall be disclosed and considered by the court.

(2) Verification of income. Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) Income sources included in gross monthly income. Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

- (a) Salaries;
- (b) Wages;
- (c) Commissions;
- (d) Deferred compensation;
- (e) Recurring bonuses;
- (f) Dividends;
- (g) Interest;
- (h) Trust income;
- (i) Severance pay;
- (j) Annuities;
- (k) Capital gains;
- (l) Pension retirement benefits;

- (m) Workers' compensation;
- (n) Unemployment benefits; and
- (o) Spousal maintenance actually received.

(4) Income sources excluded from gross monthly income. The following income and resources shall be disclosed but shall not be included in gross income:

- (a) Income of a new spouse or income of other adults in the household;
- (b) Child support received from other relationships;
- (c) Nonrecurring income from bonuses, contract-related cash and noncash benefits, gifts, and prizes. The burden of proving that these sources of income are nonrecurring is on the parent seeking to exclude them from gross income;
- (d) Overtime, whether mandatory or voluntary;
- (e) If the parent has at least one full-time job that requires the parent to work a minimum of forty hours per week, income derived from a second job or additional jobs other than the full-time job;
- (f) Aid to families with dependent children;
- (g) Supplemental security income;
- (h) General assistance; and
- (i) Food stamps.

Receipt of income and resources from aid to families with dependent children, supplemental security income, general assistance, and food stamps shall not be a reason to deviate from the standard calculation.

Income of a new spouse or income from other adults in the household shall not be a reason to deviate unless a parent is asking for a deviation either upward or downward to support the child of the new spouse or other adult in the household as provided in section 32 of this act.

(5) Determination of net income. The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

- (a) Federal and state income taxes;
- (b) Federal insurance contributions act deductions;
- (c) Mandatory pension plan payments;
- (d) Mandatory union or professional dues;
- (e) State industrial insurance premiums;
- (f) Court-ordered spousal maintenance to the extent actually paid;
- (g) Up to two thousand dollars per year in voluntary pension payments actually made if the contributions were made for the two tax years preceding the earlier of the (i) tax year in which the parties separated with intent to live separate and apart or (ii) tax year in which the parties filed for dissolution; and
- (h) Normal business expenses and self-employment taxes for self-employed persons.

Justification shall be required for any business expense deduction about which there is disagreement.

Items deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) Imputation of income. The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history, education, health, age, and other relevant factors. A parent will not be deemed underemployed if that parent is gainfully employed on a full-time basis. Income shall not be imputed for an unemployable parent.

NEW SECTION. Sec. 30. Veterans' disability pensions or regular compensation for disability incurred in or aggravated by service in the United States armed forces paid by the veterans' administration shall be disclosed to the court. The court may consider either type of compensation as disposable income for purposes of calculating the child support obligation. Aid and attendant care payments to prevent hospitalization paid by

the veterans' administration solely to provide physical home care for a disabled veteran, and special medical compensation paid under 38 U.S.C. Sec. 314 (k) through (r) to provide either special care or special aids, or both, to assist with routine daily functions shall also be disclosed. The court may not include either aid and attendant care or special medical compensation payments in gross income for purposes of calculating the child support obligation or for purposes of deviating from the standard calculation.

NEW SECTION. Sec. 31. Payments from any source, other than veterans' aid and attendance allowances or special medical compensation paid under 38 U.S.C. Sec. 314 (k) through (r), for services provided by an attendant in case of a disability when the disability necessitates the hiring of the services of an attendant shall be disclosed but shall not be included in gross income and shall not be a reason to deviate from the standard calculation.

NEW SECTION. Sec. 32. **STANDARDS FOR DEVIATION FROM THE STANDARD CALCULATION.** (1) Reasons for deviation from the standard calculation include but are not limited to the following:

(a) Sources of income and tax planning. The court may deviate from the standard calculation after consideration of the following resources and income:

(i) Income of a new spouse if either parent is asking for a deviation upward or downward to support a child of the new spouse to whom the parent and the new spouse owe a duty to support;

(ii) Income of another adult in the household if either parent is asking for a deviation upward or downward to support a child of the other adult to whom the parent and the other adult owe a duty of support;

(iii) Child support actually received from other relationships;

(iv) Overtime, whether mandatory or voluntary;

(v) Nonrecurring bonuses;

(vi) Contract-related cash benefits and contract-related noncash benefits that reduce living expenses;

(vii) Gifts;

(viii) Prizes;

(ix) Income derived from a second job or additional jobs that was excluded from gross income under section 29 of this act;

(x) Possession of wealth, including but not limited to savings, investments, real estate holdings and business interests, vehicles, boats, pensions, bank accounts, insurance plans, or other assets;

(xi) Extraordinary income of a child; or

(xii) Tax planning considerations. A deviation for tax planning may be granted only if the child would not receive a lesser economic benefit due to the tax planning.

(b) Debt and high expenses. The court may deviate from the standard calculation after consideration of the following expenses:

(i) Extraordinary debt not voluntarily incurred;

(ii) A significant disparity in the living costs of the parents due to conditions beyond their control;

(iii) Special needs of disabled children; or

(iv) Special medical, educational, or psychological needs of the children.

(c) Residential schedule. The court may deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to make a support transfer payment. The court may not deviate on that basis if the deviation will result in insufficient funds in the house receiving the support to meet the basic needs of the child or if the child is receiving aid to families with dependent children. When determining the amount of the deviation, the court shall consider evidence concerning the increased expenses to a parent making support transfer payments resulting from the significant amount of time spent with that parent and shall consider the decreased

expenses, if any, to the party receiving the support resulting from the significant amount of time the child spends with the parent making the support transfer payment.

(d) Multiple families. The court may deviate from the standard calculation when either or both of the parents before the court have children in multiple families to whom the parent owes a duty of support.

(i) The child support schedule shall be applied to the mother, father, and children of the family before the court to determine the presumptive amount of support.

(ii) Children from families other than the children of the parties before the court shall not be counted in the number of children for purposes of determining the basic support obligation and the standard calculation.

(iii) When considering a deviation from the standard calculation for children in the family before the court, the court may consider only other children to whom the parent owes a duty of support. The court may consider court-ordered payments of child support for children from other families only to the extent that the support is actually paid.

(iv) When a parent is asking for a deviation upward or downward under this section to support a child from another relationship, the court shall consider the income of the new spouse or other adult in the household of the parent requesting the deviation, but only if the parent is asking for the deviation to support the child of that new spouse or other adult. When deviating for the support of children of a new spouse or children of another adult in the household the deviation shall be based on consideration of the total circumstances of both households.

All child support obligations paid, received, and owed for all children in the households shall be disclosed and considered.

(v) When a parent is asking for a deviation upward or downward under this section to support a child from another relationship that is not the child of the parent's new spouse or other adult in the parent's household, the court shall not consider the income of the new spouse or other adult, but shall consider the total circumstances of the households that have children to whom the parent owes a duty of support. All child support obligations paid, received, and owed for all children in those households shall be disclosed and considered.

(2) The income and resources of the parties before the court, new spouses, and other adults shall be disclosed and considered as provided in this section. The presumptive amount of support shall be determined according to the child support schedule. Unless specific reasons for deviation are set forth in the written findings of fact and are supported by the evidence, the court shall order each parent to pay the amount of support determined by using the standard calculation.

(3) The court shall enter findings that specify reasons for any deviation or any denial of a party's request for any deviation from the standard calculation made by the court. The court shall not consider reasons for deviation until the court determines the standard calculation for each parent.

(4) When reasons exist for deviation, the court shall exercise discretion in considering the extent to which the factors would affect the support obligation.

(5) Agreement of the parties is not by itself adequate reason for any deviations from the standard calculation.

NEW SECTION. Sec. 33. STANDARDS FOR ESTABLISHING LOWER AND UPPER LIMITS ON CHILD SUPPORT AMOUNTS. (1) Limit at forty-five percent of a parent's net income. Neither parent's total child support obligation may exceed forty-five percent of net income except for good cause shown. Good cause includes but is not limited to possession of substantial wealth, children with day care expenses, special medical need, educational need, psychological need, and larger families.

(2) Income below six hundred dollars. When combined monthly net income is less than six hundred dollars, a support order of not less than twenty-five dollars per child per month shall be entered for each parent. A parent's support obligation shall not reduce his

or her net income below the need standard for one person established pursuant to RCW 74.04.770, except for the mandatory minimum payment of twenty-five dollars per child per month as required in this section or in cases where the court finds reasons for deviation under section 32 of this act. This section shall not be construed to require monthly substantiation of income.

(3) Income above five thousand and seven thousand dollars. The economic table is presumptive for combined monthly net incomes up to and including five thousand dollars. When combined monthly net income exceeds five thousand dollars, support shall not be set at an amount lower than the presumptive amount of support set for combined monthly net incomes of five thousand dollars unless the court finds a reason to deviate below that amount. The economic table is advisory but not presumptive for combined monthly net incomes that exceed five thousand dollars. When combined monthly net income exceeds seven thousand dollars, the court may set support at an advisory amount of support set for combined monthly net incomes between five thousand and seven thousand dollars or the court may exceed the advisory amount of support set for combined monthly net incomes of seven thousand dollars upon written findings of fact.

Sec. 34. RCW 26.19.090 and 1990 1st ex.s. c 2 s 9 are each amended to read as follows:

STANDARDS FOR POSTSECONDARY EDUCATIONAL SUPPORT AWARDS.

(1) The child support schedule shall be advisory and not mandatory for postsecondary educational support. The maximum amount of child support the court may award to pay for the cost of tuition is the amount of tuition set for students who are residents of the state of Washington who attend a state-funded four-year university.

(2) When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together.

(3) The child must be enrolled in an accredited academic or vocational school, actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution ((or)). The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225. The court-ordered postsecondary educational support ((may)) shall be automatically suspended during the period or periods the child fails to comply with these conditions. ((The court in its discretion may order that the payment be made directly to the parent who has been receiving the transfer payments, to the educational institution if feasible, or to the child.)) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

(4) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent

making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments.

NEW SECTION. Sec. 35. REIMBURSEMENT AND VERIFICATION OF EXTRAORDINARY EXPENSES. (1)(a) If sum certain amounts are established for day care, transportation costs, extraordinary health care, or other extraordinary expenses, and are set forth in the decree, those sums shall be payable as part of the regularly paid support transfer payment ordered by the court. The parent making the support transfer payment is entitled to proof of the amount paid for those expenses.

(b) If an amount for those expenses is not specified in the decree or those amounts fluctuate and are not part of the support transfer payment, the parent paying these expenses shall be entitled to prompt reimbursement of the other parent's share of those expenses. Reimbursement must be made promptly but not later than thirty days after receipt of proof of payment of these expenditures. The parent paying those expenses is entitled to proof of the amount paid for those expenses.

(2)(a) If reimbursement is not made within the thirty-day period or is incomplete due to a nonsufficient fund check or other failure to pay, the parent seeking reimbursement may by motion obtain an order compelling payment with statutory interest. If a parent requests proof of payment and it is not provided within thirty days, the party may move to compel production of the documents. The court shall award actual court costs and reasonable attorneys' fees to the prevailing party in every motion filed under this section except upon a showing of good cause for nonpayment.

(b) Wage assignment orders may be obtained pursuant to chapter 26.18 RCW to collect court-ordered basic child support, day care, health care, long-distance transportation costs, or other extraordinary expenses, attorneys' fees, court costs, or any other item ordered by the court. A parent to whom basic child support, day care, health care, long-distance transportation costs, or other extraordinary expenses are to be paid based on a percentage share of the costs, may by motion obtain a court order reducing the amounts owed to a sum certain and then enforce collection of that amount by a wage assignment order. The office of support enforcement shall not request a wage assignment in any case of purported nonsupport without obtaining documentation from both parents, except that the office of support enforcement may request a wage assignment after receipt of documentation from the party seeking payment of the extraordinary expenses, if the parent obligated to make the payment fails to comply with the request for documentation within thirty days of the date requested.

NEW SECTION. Sec. 36. A new section is added to chapter 26.23 RCW to read as follows:

If a support order does not state the current and future support obligation for extraordinary expenses such as day care, extraordinary health care, long-distance transportation costs, other extraordinary expenses or other variable costs in a fixed dollar amount but states them as a percentage share of the costs or as variable expenses subject to collection as those expenses are incurred as provided in section 35 of this act, then the office of support enforcement must obtain documentation as required in this section prior to issuing a notice of support owed pursuant to RCW 26.23.110. The office of support enforcement must obtain documentation from the payee which verifies the actual expenditure of any variable expense or extraordinary expense that the office of support enforcement seeks to collect as part of the support debt. In addition, prior to issuing a notice of support owed under RCW 26.23.100, the office of support enforcement must request documentation from the payor to determine whether the payor has paid all or a portion of the variable or extraordinary expenses or has any documentation regarding the amount of any variable or extraordinary expense the office of support enforcement seeks to collect. If the payor fails to respond to the request for documentation within thirty days from the date of the request, and the office of support enforcement has obtained

documentation from the payee, the office of support enforcement may issue the notice of support owed pursuant to RCW 26.23.110.

Sec. 37. RCW 26.21.230 and 1963 c 45 s 30 are each amended to read as follows:

The obligee, the prosecuting attorney, or the attorney general may register the foreign support order in a court of this state in the manner ~~(, with the effect and for the purposes herein)~~ provided for in this chapter for the purpose of modification and enforcement of the support provisions. The court shall only have jurisdiction to consider the child support provisions of the order. The modification shall be pursuant to RCW 26.09.170 and 26.09.175.

Sec. 38. RCW 26.23.035 and 1989 c 360 s 34 are each amended to read as follows:

(1) ~~(The child support registry shall distribute all moneys received in compliance with 42 U.S.C. Sec. 657. Support received by the office of support enforcement shall be distributed promptly but not later than eight days from the date of receipt unless circumstances exist which make such distribution impossible. Such circumstances include when: (a) The location of the custodial parent is unknown; (b) the child support debt is in litigation; or (c) the responsible parent or custodial parent cannot be identified. When, following termination of public assistance, the office of support enforcement collects support, all moneys collected up to the maximum of the support due for the period following termination from public assistance shall, to the extent permitted by federal law, be paid to the custodial parent before any distribution to the office of support enforcement under federal law. This section shall not apply to support collected through intercepting federal tax refunds under 42 U.S.C. Sec. 664. When a responsible parent has more than one support obligation, or a support debt is owed to more than one party, moneys received will be distributed between the parties proportionally, based upon the amount of the support obligation and/or support debt owed.)~~ The department of social and health services shall adopt rules for the distribution of support money collected by the office of support enforcement. These rules shall:

(a) Comply with 42 U.S.C. Sec. 657;

(b) Direct the office of support enforcement to distribute support money within eight days of receipt, unless one of the following circumstances, or similar circumstances specified in the rules, prevents prompt distribution:

(i) The location of the custodial parent is unknown;

(ii) The support debt is in litigation;

(iii) The office of support enforcement cannot identify the responsible parent or the custodian;

(c) Provide for proportionate distribution of support payments if the responsible parent owes a support obligation or a support debt for two or more Title IV-D cases; and

(d) Authorize the distribution of support money, except money collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to the IV-D custodian before the debt owed to the state when the custodian stops receiving a public assistance grant.

(2) The office of support enforcement may distribute support payments to the payee under the support order or to another person who has lawful physical custody of the child or custody with the payee's consent. The payee may file an application for an adjudicative proceeding to challenge distribution to such other person. Prior to distributing support payments to any person other than the payee, the registry shall:

(a) Obtain a written statement from the child's physical custodian, under penalty of perjury, that the custodian has lawful custody of the child or custody with the payee's consent;

(b) Mail to the responsible parent and to the payee at the payee's last known address a copy of the physical custodian's statement and a notice which states that support payments will be sent to the physical custodian; and

(c) File a copy of the notice with the clerk of the court that entered the original support order.

(3) If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and ten percent of amounts collected as current support.

Sec. 39. RCW 26.23.050 and 1989 c 360 s 15 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the superior court shall include in all superior court orders which establish or modify a support obligation:

(a) A provision which orders and directs that the responsible parent make all support payments to the Washington state support registry;

(b) A statement that a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent((=

~~(i) If a support payment is not paid when due, and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or~~

~~(ii)) at any time after entry of the court order ((for orders entered by the court on or after July 1, 1990)), unless:~~

~~(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or~~

~~(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; and~~

(c) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child.

(2) The court may order the responsible parent to make payments directly to the person entitled to receive the payments or, for orders entered on or after July 1, 1990, direct that the issuance of a notice of payroll deduction or other income withholding actions be delayed until a support payment is past due if the court approves an alternate payment plan. The parties to the order must agree to such a plan and the plan must contain reasonable assurances that payments will be made in a regular and timely manner. The court may approve such a plan and modify or terminate the payroll deduction or other income withholding action at the time of entry of the order or at a later date upon motion and agreement of the parties. If the order directs payment to the person entitled to receive the payments instead of to the Washington state support registry, the order shall include a statement that the order may be submitted to the registry if a support payment is past due. If the order directs delayed issuance of the notice of payroll deduction or other income withholding action, the order shall include a statement that such action may be taken, without further notice, at any time after a support payment is past due. The provisions of this subsection do not apply if the department is providing public assistance under Title 74 RCW.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that a notice of payroll deduction may be issued, or other income withholding action taken without further notice to the responsible parent((=

~~(a) If a support payment is not paid when due and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or~~

~~(b)) at any time after entry of the order ((for administrative orders entered on or after July 1, 1990)), unless:~~

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that a notice of payroll deduction may be issued if a support payment is past due or at any time after the entry of the order, the office of support enforcement may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) That payment shall be made to the Washington state support registry or in accordance with the alternate payment plan approved by the court;

(b) That a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 RCW or chapter 74.20A RCW may be taken, without further notice to the responsible parent(=

~~(i) If a support payment is not paid when due and an amount equal to or greater than the support payable for one month is owed under an order entered prior to July 1, 1990; or~~

~~(ii))~~ at any time after entry of an order by the court ((on or after July 1, 1990)), unless:

(i) The court approves an alternate payment plan under subsection (2) of this section;

(ii) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(iii) The parties reach an alternate agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The social security number, residence address, and name of employer of the responsible parent;

(g) The social security number and residence address of the physical custodian except as provided in subsection (6) of this section;

(h) The names, dates of birth, and social security numbers, if any, of the dependent children;

(i) That the parties are to notify the Washington state support registry of any change in residence address;

(j) That any parent owing a duty of child support shall be obligated to provide health insurance coverage for his or her child if coverage that can be extended to cover the child is or becomes available to that parent through employment or is union-related as provided under RCW 26.09.105;

(k) That if proof of health insurance coverage is not provided within twenty days, the obligee or the department may seek direct enforcement of the coverage through the obligor's employer or union without further notice to the obligor as provided under chapter 26.18 RCW; and

(l) The reasons for not ordering health insurance coverage if the order fails to require such coverage.

(6) The physical custodian's address shall be omitted from an order entered under the administrative procedure act. A responsible parent whose support obligation has been determined by such administrative order may request the physical custodian's residence address by submission of a request for disclosure under RCW 26.23.120.

(7) The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation which provide that support payments shall be made to the support registry. If a superior court order entered prior to January 1, 1988, directs the responsible parent to make support payments to the clerk, the clerk shall send a true and correct copy of the support order and the payment record to the registry for enforcement action when the clerk identifies that a payment is more than fifteen days past due. The office of support enforcement shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV-D of the social security act.

(8) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who are not recipients of public assistance is deemed to be a request for support enforcement services under RCW 74.20.040 to the fullest extent permitted under federal law.

(9) After the responsible parent has been ordered or notified to make payments to the Washington state support registry in accordance with subsection (1), ~~((2), or)~~ (3), or (4) of this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

Sec. 40. RCW 26.23.060 and 1989 c 360 s 32 are each amended to read as follows:

(1) The office of support enforcement may issue a notice of payroll deduction:

(a) As authorized by a support order that contains the income withholding notice provisions in RCW 26.23.050 or a substantially similar notice; or

(b) After service of a notice containing an income withholding provision under this chapter or chapter 74.20A RCW.

(2) The ~~((department may))~~ office of support enforcement shall serve a notice of payroll deduction upon a responsible parent's employer ~~((for child support obligations if the responsible parent fails to pay child support as due in an amount equal to or greater than the support payable for one month. Service shall be))~~ or upon the employment security department for the state in possession of or owing any benefits from the unemployment compensation fund to the responsible parent pursuant to Title 50 RCW by personal service or by any form of mail requiring a return receipt.

~~((2))~~ (3) Service of a notice of payroll deduction upon an employer or employment security department requires ~~((an))~~ the employer or employment security department to immediately make a mandatory payroll deduction from the responsible ~~((parent/employee's))~~ parent's unpaid disposable earnings or unemployment compensation benefits. The employer or employment security department shall thereafter deduct each pay period the amount stated in the notice divided by the number of pay periods per month. The payroll deduction each pay period shall not exceed fifty percent of the responsible ~~((parent/employee's))~~ parent's disposable earnings.

~~((3))~~ (4) A notice of payroll deduction for support shall have priority over any wage assignment ~~((or))~~, garnishment, attachment, or other legal process.

~~((4))~~ (5) The notice of payroll deduction shall be in writing and include:

(a) The name and social security number of the ~~((employee))~~ responsible parent;

(b) The amount to be deducted from the responsible parent's disposable earnings each month, or alternate amounts and frequencies as may be necessary to facilitate processing of the payroll deduction ~~((by the employer))~~;

(c) A statement that the total amount withheld shall not exceed fifty percent of the responsible parent's disposable earnings; and

(d) The address to which the payments are to be mailed or delivered.

~~((5))~~ (6) An informational copy of the notice of payroll deduction shall be mailed to the last known address of the responsible parent by regular mail.

~~((6))~~ (7) An employer ~~((who))~~ or employment security department that receives a notice of payroll deduction shall make immediate deductions from the ~~((employee's))~~ responsible parent's unpaid disposable earnings and remit proper amounts to the Washington state support registry on each date the ~~((employee))~~ responsible parent is due to be paid.

~~((7))~~ (8) An employer, or the employment security department, upon whom a notice of payroll deduction is served, shall make an answer to the ~~((Washington state))~~ office of support ~~((registry))~~ enforcement within twenty days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the responsible parent is employed by or receives earnings from the employer or receives unemployment compensation benefits from the employment security department, whether the employer or employment security department anticipates paying earnings or employment compensation benefits and the amount of earnings. If the responsible parent is no longer employed, or receiving earnings from the employer, the answer shall state the present employer's name and address, if known. If the responsible parent is no longer receiving unemployment compensation benefits from the employment security department, the answer shall state the present employer's name and address, if known.

~~((8))~~ (9) The employer or employment security department may deduct a processing fee from the remainder of the ~~((employee's))~~ responsible parent's earnings after withholding under the notice of payroll deduction, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed: (a) Ten dollars for the first disbursement made ~~((by the employer))~~ to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the registry.

~~((9))~~ (10) The notice of payroll deduction shall remain in effect until released by the office of support enforcement ~~((or))~~, the court enters an order terminating the notice and approving an alternate payment plan under RCW 26.23.050(2), or one year has expired since the employer has employed the responsible parent or has been in possession of or owing any earnings to the responsible parent or the employment security department has been in possession of or owing any unemployment compensation benefits to the responsible parent.

Sec. 41. RCW 26.23.070 and 1987 c 435 s 7 are each amended to read as follows:

(1) The employer or the employment security department may combine amounts withheld from the earnings of more than one ~~((employee))~~ responsible parent in a single payment to the Washington state support registry, listing separately the amount of the payment which is attributable to each individual ~~((employee))~~.

(2) No employer ~~((who))~~ nor employment security department that complies with a notice of payroll deduction under this chapter shall be civilly liable to the ~~((employee))~~ responsible parent for complying with a notice of payroll deduction under this chapter.

Sec. 42. RCW 26.23.100 and 1989 c 360 s 31 are each amended to read as follows:

(1) The responsible parent subject to a payroll deduction pursuant to this chapter, may file a motion in superior court to quash, modify, or terminate the payroll deduction.

(2) Except as provided in subsections (4) and (5) of this section, the court may grant relief only upon a showing: (a) That the payroll deduction causes extreme hardship or substantial injustice; or (b) that the support payment was not past due ~~((in an amount equal to or greater than the support payable for one month))~~ under the terms of the order when the notice of payroll deduction was served on the employer.

(3) Satisfaction by the obligor of all past due payments subsequent to the issuance of the notice of payroll deduction is not grounds to quash, modify, or terminate the notice of payroll deduction.

(4) If a notice of payroll deduction has been in operation for twelve consecutive months and the ~~((obligor's))~~ obligor's support obligation is current, upon motion of the obligor, the court may order the ~~((Washington state))~~ office of support ~~((registry))~~ enforcement to terminate the payroll deduction, unless the obligee can show good cause as to why the payroll deduction should remain in effect.

(5) Subsection (2) of this section shall not prevent the court from ordering an alternative payment plan as provided under RCW 26.23.050(2).

NEW SECTION. Sec. 43. A new section is added to chapter 26.23 RCW to read as follows:

The department shall be given twenty calendar days prior notice of the entry of any final order and five days prior notice of the entry of any temporary order in any proceeding involving child support or maintenance if the department has a financial interest based on an assignment of support rights under RCW 74.20.330 or the state has a subrogated interest under RCW 74.20A.030. Service of this notice upon the department shall be by personal service on, or mailing by any form of mail requiring a return receipt to, the office of the attorney general. The department shall not be entitled to terms for a party's failure to serve the department within the time requirements for this section, unless the department proves that the party knew that the department had an assignment of support rights or a subrogated interest and that the failure to serve the department was intentional.

Sec. 44. RCW 74.20.220 and 1979 c 141 s 367 are each amended to read as follows:

In order to carry out its responsibilities imposed under this chapter and as required by federal law, the state department of social and health services, through the attorney general or prosecuting attorney, is hereby authorized to:

(1) ~~((Represent))~~ Initiate an action in superior court to obtain a support order or obtain other relief related to support for a dependent child ((or dependent children)) on whose behalf the department is providing public assistance ((is being provided in obtaining any support order necessary to provide for his or their needs)) or support enforcement services under RCW 74.20.040, or to enforce ((any such order previously entered)) a superior court order.

(2) ~~((Appear as a friend of the court in divorce and separate maintenance suits, or proceedings supplemental thereto, when either or both of the parties thereto are receiving public assistance, for the purpose of advising the court as to the financial interest of the state of Washington therein.~~

(3) Appear on behalf of the custodial parent of a dependent child or children on whose behalf public assistance is being provided, when so requested by such parent, for the purpose of assisting such parent in securing a modification of a divorce or separate maintenance decree wherein no support, or inadequate support, was given for such child or children: PROVIDED, That the attorney general shall be authorized to so appear only where it appears to the satisfaction of the court that the parent is without funds to employ private counsel. If the parent does not request such assistance, or refuses it when offered, the attorney general may nevertheless appear as a friend of the court at any supplemental proceeding, and may advise the court of such facts as will show the financial interest of the state of Washington therein; but the attorney general shall not otherwise participate in the proceeding)) Appear as a party in dissolution, child support, parentage, maintenance suits, or other proceedings, for the purpose of representing the financial interest and actions of the state of Washington therein.

(3) Petition the court for modification of a superior court order when the office of support enforcement is providing support enforcement services under RCW 74.20.040.

(4) When the attorney general or prosecuting attorney appears in, defends, or initiates actions to establish, modify, or enforce child support obligations he or she represents the state, the best interests of the child relating to parentage, and the best interests of the children of the state, but does not represent the interests of any other individual.

(5) If public assistance has been applied for or granted on behalf of a child of parents who are divorced or legally separated, the attorney general or prosecuting attorney may apply to the superior court in such action for an order directing either parent or both to show cause:

(a) Why an order of support for the child should not be entered, or

(b) Why the amount of support previously ordered should not be increased, or

(c) Why the parent should not be held in contempt for his or her failure to comply with any order of support previously entered.

~~((5))~~ (6) Initiate any civil proceedings deemed necessary by the department to secure reimbursement from the parent or parents of minor dependent children for all moneys expended by the state in providing assistance or services to said children.

(7) Nothing in this section limits the authority of the attorney general or prosecuting attorney to use any and all civil and criminal remedies to enforce, establish, or modify child support obligations whether or not the custodial parent receives public assistance.

Sec. 45. RCW 74.20.310 and 1979 ex.s. c 171 s 15 are each amended to read as follows:

(1) The provisions of RCW 26.26.090 requiring appointment of a general guardian or guardian ad litem to represent the child in an action brought to determine the parent and child relationship do not apply to actions brought under chapter 26.26 RCW if:

~~((1))~~ (a) The action is brought by the attorney general on behalf of the department of social and health services~~(,)~~ and the child~~((, or the natural mother))~~; or

~~((2))~~ (b) The action is brought by any prosecuting attorney on behalf of the state~~(,)~~ and the child~~((, or the natural mother))~~ when referral has been made to the prosecuting attorney by the department of social and health services requesting such action.

(2) On the issue of parentage, the attorney general or prosecuting attorney functions as the child's guardian ad litem provided the interests of the state and the child are not in conflict.

(3) The court, on its own motion or on motion of a party, may appoint a guardian ad litem when necessary.

(4) The summons shall contain a notice to the parents that the parents have a right to move the court for a guardian ad litem for the child other than the prosecuting attorney or the attorney general subject to subsection (2) of this section.

Sec. 46. RCW 74.20A.055 and 1990 1st ex.s. c 2 s 21 are each amended to read as follows:

(1) The secretary may, in the absence of a superior court order, serve on the responsible parent or parents a notice and finding of financial responsibility requiring a responsible parent or parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future ~~((for such period of time as the child or children of said responsible parent or parents are in need))~~. The hearing shall be held pursuant to ~~((RCW 74.20A.055))~~ this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima

facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification; PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. ~~((Any responsible parent who objects to all or any part of the notice and finding shall have the right for not more than twenty days from the date of service to file an application for an adjudicative proceeding. The application shall be served upon the department by registered or certified mail or personally. If no such application is made, the notice and finding of responsibility shall become final, and the debt created therein shall be subject to collection action as authorized under this chapter. If a timely application is made, the execution of notice and finding of responsibility shall be stayed pending the entry of the final administrative order. If no timely written application has previously been made, the responsible parent may petition the secretary or the secretary's designee at any time for an adjudicative proceeding as provided for in this section upon a showing of good cause for the failure to make a timely application. The filing of the petition for an adjudicative proceeding after the twenty day period shall not affect any collection action previously taken under this chapter. The granting of an application after the twenty day period operates as a stay on any future collection action, pending entry of the final administrative order. Moneys withheld as a result of collection action in effect at the time of the granting of the application after the twenty day period shall be delivered to the department and shall be held in trust by the department pending entry of the final administrative order. The department may petition the presiding or reviewing officer to set temporary current and future support to be paid beginning with the month in which the application after the twenty day period is granted. The presiding or reviewing officer shall order payment of temporary current and future support if appropriate in an amount determined pursuant to the child support schedule adopted under RCW 26.19.040. In the event the responsible parent does not make payment of the temporary current and future support as ordered by the presiding or reviewing officer, the department may take collection action pursuant to chapter 74.20A RCW during the pendency of the adjudicative proceeding or thereafter to collect any amounts owing under the order. Temporary current and future support paid, or collected, during the pendency of the adjudicative proceeding shall be disbursed to the custodial parent or as otherwise appropriate when received by the department. If the final administrative order is that the department has collected from the responsible parent other than temporary current or future support, an amount greater than such parent's past support debt, the department shall promptly refund any such excess amount to such parent.~~

~~(3) Hearings may be held in the county of residence or other place convenient to the responsible parent.)~~ (3) The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future ~~((for such period of time as the child or children of the responsible parent are in need, all computable on the basis of the need alleged)).~~ The notice and finding shall also include:

(a) A statement of the name of the recipient or custodian and the name of the child or children for whom ~~((need))~~ support is ~~((alleged))~~ sought; ~~((and/or))~~

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged~~((:));~~

~~((4) The notice and finding shall include))~~ (c) A statement that the responsible parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future~~((:));~~

~~((The notice and finding shall include))~~

(d) A statement that, if the responsible parent fails in timely fashion to file an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, ~~((or))~~ order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice.

(4) A responsible parent who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection. An adjudicative proceeding shall be held in the county of residence or other place convenient to the responsible parent.

(a) If the responsible parent files the application within twenty days, the department shall schedule an adjudicative proceeding to hear the parent's objection and determine the parent's support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If the responsible parent fails to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the responsible parent files the application more than twenty days after, but within one year of the date of service, the department shall schedule an adjudicative proceeding to hear the parents' objection and determine the parent's support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action;

(d) If the responsible parent files the application more than one year after the date of service, the department shall schedule an adjudicative proceeding at which the responsible parent must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action;

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the parent's objection to the notice and determine the parent's support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The responsible parent need show neither good cause nor a substantial change of circumstances to justify modification of current and future support;

(e) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule

~~((adopted under RCW 26.19.040))~~ in making these determinations, the presiding or reviewing officer shall ~~((comply with the provisions set forth in chapter 26.19 RCW))~~ apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

~~((6))~~ (6) If the responsible parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an ~~((initial decision and))~~ administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action.

~~((6))~~ (7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order ~~((: PROVIDED, That in the absence of a superior court order, either the responsible parent or the department may petition the secretary or his designee for issuance of an order to appear and show cause based on a showing of good cause and material change of circumstances, to require the other party to appear and show cause why the order previously entered should not be prospectively modified. Said order to appear and show cause together with a copy of the petition and affidavit upon which the order is based shall be served in the manner of a summons in a civil action or by certified mail, return receipt requested, on the other party by the petitioning party. Prospective modification may be ordered, but only upon a showing of good cause and material change of circumstances.~~

~~((7))~~ (7) The presiding or reviewing officer shall order support payments under the child support schedule adopted under RCW 26.19.040).

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

~~((9))~~ "Need" as used in this section shall mean the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children. The amount determined by reference to the child support schedule adopted under RCW 26.19.040, shall be a rebuttable presumption of the alleged responsible parent's ability to pay and the need of the family: PROVIDED, That such responsible parent shall be presumed to have no ability to pay child support under this chapter from any income received from aid to families with dependent children, supplemental security income, or continuing general assistance.)

NEW SECTION. Sec. 47. A new section is added to chapter 74.20A RCW to read as follows:

(1) The department, the physical custodian, or the responsible parent may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d).

(2) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a party requests an adjustment in an order for child support that was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; or

(c) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes

nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

(3) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

- (a) Require health insurance coverage for a child covered by the order; or
- (b) Modify an existing order for health insurance coverage.

(4) Support orders may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances.

(5)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (4) of this section.

(b) If, pursuant to subsection (4) of this section or (a) of this subsection, the order modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection (4) of this section may be filed.

(6) An increase in the wage or salary of the parent or custodian who is receiving the support transfer payments as defined in section 24 of this act is not a substantial change in circumstances for purposes of modification under subsection (1)(b) of this section. An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department shall file the petition and a supporting affidavit with the secretary or the secretary's designee when the department petitions for modification.

(8) The responsible parent or the physical custodian shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

(9) Upon the filing of a proper petition or application, the secretary or the secretary's designee shall issue an order directing each party to appear and show cause why the order should not be modified.

(10) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

NEW SECTION. Sec. 48. A new section is added to chapter 74.20A RCW to read as follows:

When providing support enforcement services, the office of support enforcement may take action, under this chapter and chapter 26.23 RCW, against a responsible parent's earnings, located in, or subject to the jurisdiction of, the state of Washington regardless of the presence or residence of the responsible parent. If the responsible parent resides in another state or country, the office of support enforcement shall serve a notice under RCW 74.20A.040 more than sixty days before taking collection action.

NEW SECTION. Sec. 49. The following acts or parts of acts are each repealed:

- (1) RCW 26.12.090 and 1983 c 219 s 2 & 1949 c 50 s 9;
- (2) RCW 26.12.100 and 1983 c 219 s 3 & 1949 c 50 s 10;
- (3) RCW 26.12.110 and 1949 c 50 s 11;
- (4) RCW 26.12.120 and 1983 c 219 s 4 & 1949 c 50 s 12;
- (5) RCW 26.12.130 and 1949 c 50 s 13;

- (6) RCW 26.12.140 and 1980 c 124 s 2, 1971 ex.s. c 151 s 1, & 1949 c 50 s 14;
 (7) RCW 26.12.150 and 1949 c 50 s 15;
 (8) RCW 26.12.180 and 1983 c 219 s 6 & 1949 c 50 s 18;
 (9) RCW 26.12.200 and 1983 c 219 s 8 & 1949 c 50 s 20; and
 (10) RCW 26.12.210 and 1983 c 219 s 9 & 1949 c 50 s 21.

NEW SECTION. Sec. 50. The following acts or parts of acts are each repealed:

- (1) RCW 26.19.010 and 1988 c 275 s 2;
 (2) RCW 26.19.040 and 1990 1st ex.s. c 2 s 20, 1988 c 275 s 5, & 1987 c 440 s

2;

- (3) RCW 26.19.060 and 1988 c 275 s 7;
 (4) RCW 26.19.070 and 1990 1st ex.s. c 2 s 6;
 (5) RCW 26.19.080 and 1990 1st ex.s. c 2 s 7; and
 (6) RCW 26.19.110 and 1990 1st ex.s. c 2 s 12.

NEW SECTION. Sec. 51. Sections 16 through 18 of this act are each added to chapter 26.12 RCW.

NEW SECTION. Sec. 52. If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for section 19 of this act, referencing this act by bill number, section 19 of this act is null and void.

NEW SECTION. Sec. 53. If specific funding for the purposes of section 35 of this act, referencing section 35 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 35 of this act shall be null and void.

NEW SECTION. Sec. 54. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 55. This act shall take effect September 1, 1991.

NEW SECTION. Sec. 56. Sections 24, 26 through 33, and 35 of this act are each added to chapter 26.19 RCW.

NEW SECTION. Sec. 57. Captions as used in this act do not constitute any part of the law.

Mr. Appelwick moved adoption of the following amendments to the amendment:

On page 40, line 9 of the amendment, strike "parent" and insert "parent's household"

On page 40, beginning on line 15 of the amendment, after "obligation." strike all material through "court." on line 22

On page 42, after line 6 of the amendment, strike all material through "act." on line 11

On page 44, after line 8 of the amendment, strike all material through "support" on line 15 and insert the following:

"(i) Income of a new spouse if the parent who is married to the new spouse is asking for a deviation based on any other reason. Income of a new spouse is not, by itself, a sufficient reason for deviation;

(ii) Income of other adults in the household if the parent who is living with the other adult is asking for a deviation based on any other reason. Income of the other adults in the household is not, by itself, a sufficient reason for deviation"

On page 46, beginning on line 14 of the amendment, strike all material through "section" on page 47, line 5, and insert "When the court has determined that either or both parents have multiple families, deviations under this section shall be based on consideration of the total circumstances of both households. All child support obligations paid, received, and owed for all children in the multiple families shall be disclosed and considered.

(2) All income and resources of the parties before the court, new spouses, and other adults in the households shall be disclosed and considered as provided in this section."

POINT OF PARLIAMENTARY INQUIRY

Mr. Padden: Thank you, Mr. Speaker. We have two striking amendments and now an amendment to the striking amendment. Could you let us know how the process is going to work this evening?

SPEAKER'S RULING

The Speaker: Thank you, Representative Padden. We have before us two striking amendments. The Speaker will rule that, if the first striking amendment--which was chosen because it was the first amendment received at the bar of the House, a blind decision the Speaker made--is adopted, by your action you have precluded action on the second striking amendment. I'll repeat that. The question before us will be the first striking amendment, the first one received at the bar. If the body adopts that striking amendment, by your action you have at the same time precluded adopting the second striking amendment. If the body fails to adopt or rejects the first striking amendment, we will then consider the second striking amendment.

The rationale behind this decision is that a rational body would not adopt two conflicting striking amendments. As the debate proceeds on the first striking amendment, we will allow discussion of both amendments and reference to the second amendment. The effect of this will be that we are giving the members a choice between striking amendment "A" and striking amendment "B."

POINT OF PARLIAMENTARY INQUIRY

Mr. Paris: Mr. Speaker, would Representative Appelwick's amendments apply to the first striking amendment or to the second, regardless of which is adopted. Or do they only apply to the first striking amendment?

SPEAKER'S REPLY

The Speaker: They are before us on the first striking amendment.

Representatives Appelwick, Belcher, Inslee and Brough spoke in favor of adoption of the amendments to the amendment, and Representatives Hargrove, Padden, R. Meyers and Horn spoke against them. Mr. Hargrove again opposed the amendments to the amendment, and Ms. Brough again spoke in favor of them.

The Speaker stated the question before the House to be adoption of the amendments on pages 40, 42, 44 and 46 by Representative Appelwick to the amendment by Representative R. Meyers and others.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 49, Nays - 45. The amendments to the amendment were adopted.

POINT OF PARLIAMENTARY INQUIRY

Mr. R. Meyers: When we deal with an amendment to an amendment, is that three minutes per speaker? And then is the amendment as amended or not amended another three minutes?

SPEAKER'S RULING

The Speaker: Three minutes for each question, Representative Meyers.

Representatives R. Meyers, Hargrove, Padden, Edmondson and Bowman spoke in favor of adoption of the amendment as amended, and Representatives Appelwick, Forner, Belcher, Cole and Wineberry spoke against it. Mr. Hargrove again spoke in favor of the amendment as amended.

The Speaker stated the question before the House to be adoption of the amendment by Representative R. Meyers and others as amended.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 54, Nays - 40. The amendment as amended was adopted.

With consent of the House, the following amendment by Representative R. Meyers, Hargrove and Padden to the title was adopted:

On page 1, line 1 of the title, after "support;" strike the remainder of the title and insert "amending RCW 26.09.010, 26.09.015, 26.09.100, 26.09.160, 26.09.170, 26.09.175, 26.09.184, 26.09.225, 26.09.280, 26.12.010, 26.12.060, 26.12.170, 26.12.190, 26.12.220, 26.18.100, 26.18.110, 26.18.140, 26.19.001, 26.19.020, 26.19.090, 26.21.230, 26.23.035, 26.23.050, 26.23.060, 26.23.070, 26.23.100, 74.20.220, 74.20.310, and 74.20A.055; reenacting and amending RCW 26.09.260; adding new sections to chapter 26.12 RCW; adding new sections to chapter 26.19 RCW; adding new sections to chapter 26.23 RCW; adding new sections to chapter 74.20A RCW; creating new sections; repealing RCW 26.12.090, 26.12.100, 26.12.110, 26.12.120, 26.12.130, 26.12.140, 26.12.150, 26.12.180, 26.12.200, 26.12.210, 26.19.010, 26.19.040, 26.19.060, 26.19.070, 26.19.080, and 26.19.110; prescribing penalties; and providing an effective date."

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick, Padden and R. Meyers spoke in favor of passage of the bill, and Representatives Belcher, Spanel and Wineberry spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5120 as amended by the House, and the bill passed the House by the following vote: Yeas - 67, Nays - 27, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Ballard, Beck, Betrozoff, Bowman, Bray, Broback, Brumsickle, Cantwell, Casada, Chandler, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Franklin, Fuhrman, Grant, Hargrove, Haugen, Hochstatter, Horn, Inslee, Jacobsen, Johnson P., Jones, King, R., Kremen, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Morris, Morton, Myers, H., Nealey, Neher, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prince, Pruitt, Rasmussen, Rayburn, Riley, Schmidt, Scott, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Anderson, Belcher, Braddock, Brekke, Brough, Cole, Ferguson, Fisher, R., Forner, Fraser, Heavey, Hine, Holland, Johnson R., Leonard, Locke, Mitchell, Moyer, Nelson, Phillips, Prentice, Roland, Rust, Sommers, H., Spanel, Valle, Wineberry - 27.

Excused: Representatives Basich, Miller, Sprenkle, Wang - 04.

Engrossed Second Substitute Senate Bill No. 5120 as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HCR 4415 by Representatives R. King, Brumsickle, Cooper, Rasmussen, Morris, Bowman, Riley, Winsley, Fuhrman and Basich

Recommending commensurate salaries for fishery patrol and wildlife officers.

Referred to Committee on Rules.

HCR 4416 by Representatives Anderson, McLean, Jones, Rasmussen and Winsley

Creating the joint select committee on veterans and military personnel affairs.

Referred to Committee on Rules.

HCR 4417 by Representatives Anderson, McLean, Heavey, Fuhrman, Spanel, Silver and Bowman

Establishing the joint legislative task force on state personnel issues.

Referred to Committee on Rules.

HCR 4418 by Representatives Anderson, Jacobsen, McLean, Pruitt, Vance and Bowman

Creating the joint select committee on open government.

Referred to Committee on Rules.

ESSB 5245 by Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness, Sutherland, Williams, Jesernig, Stratton, Bauer and Conner; by request of Governor Gardner)

Directing the development of a state energy strategy and authorizing the implementation of conservation savings and sales by state agencies.

SB 5827 by Senators West, McDonald and Niemi; by request of Office of Financial Management and Department of Social & Health Services

Revising provisions for the regulation of nursing homes.

SB 5959 by Senators McDonald, Hayner and West

Restricting eligibility for general assistance unemployable.

Referred to Committee on Appropriations.

MOTIONS

On motion of Mr. Ebersole, Senate Bill No. 5959 and the resolutions listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

On motion of Mr. Ebersole, the rules were suspended and Engrossed Substitute Senate Bill No. 5245 and Senate Bill No. 5827 were placed on the second reading calendar.

There being no objection, the House advanced to the fifth order of business.

REPORT OF STANDING COMMITTEES

April 18, 1991

ESSB 5395 Prime Sponsor, Senate Committee on Ways & Means: Making supplemental appropriations for the 1989-91 biennium.

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

"PART I

GENERAL GOVERNMENT"

Sec. 101. 1990 1st ex.s. c 16 s 105 (uncodified) is amended to read as follows:

FOR THE REDISTRICTING COMMISSION

General Fund Appropriation	..... \$	((221,000))
		<u>246,000</u>

Sec. 102. 1990 1st ex.s. c 16 s 106 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation	..... \$	((13,497,000))
		<u>14,097,000</u>

The appropriation in this section is subject to the following conditions and limitations: ~~\$(5,013,000))~~ 5,613,000 is provided solely for the indigent appeals program.

Sec. 103. 1990 1st ex.s. c 16 s 108 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation	..... \$	((684,000))
		<u>754,000</u>

Sec. 104. 1990 1st ex.s. c 16 s 109 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	..... \$	((27,607,000))
		<u>28,298,000</u>
Public Safety and Education Account Appropriation	..... \$	23,200,000
TOTAL APPROPRIATION	..... \$	((50,807,000))
		<u>51,498,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, the administrator for the courts, in conjunction with the indigent defense task force, shall review the feasibility of implementing an indigent defense cost recovery program in order to recover state expenses for the indigent appeals program. The administrator for the courts also shall prepare recommendations regarding standards for indigency to be applied uniformly among courts throughout the state. Recommendations regarding a cost recovery program and indigency standards shall be submitted to the house of representatives appropriations and the senate ways and means committees by December 1, 1989.

(2) \$4,712,000 of the general fund appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. In administering TASC program contracts, the administrator for the courts shall monitor program expenditures, conduct program audits, and develop corrective action plans as necessary for contract compliance.

(3) \$16,681,000 of the general fund appropriation is provided solely for the superior court judges program.

(4) \$50,000 of the public safety and education account appropriation is provided solely for the continuation of the indigent defense task force as provided in Substitute Senate Bill No. 5960 (indigent defense services). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$200,000 of the public safety and education account appropriation is provided solely for implementing Substitute Senate Bill No. 5474 or Substitute House Bill No. 1119 (court interpreters). If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(6) \$500,000 of the general fund appropriation is provided solely for a foster care review pilot project. In designing the project, the administrator for the courts shall: (a) Establish control groups, one with foster care review and one without, and (b) document the comparative impacts on court costs and foster care length-of-stay.

(7) \$5,758,000 of the public safety and education account appropriation is provided solely to implement the conversion of the district court information system (DISCIS) to

a subsystem compatible with the other subsystems within the judicial information system. The amount provided in this subsection is intended to convert twenty-eight existing DISCIS sites and establish eight new sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdiction. The administrator for the courts shall report to the legislature by January 15, 1990, on the reasonableness and feasibility of installing more DISCIS sites during the 1989-91 biennium.

(8) \$3,000,000 of the public safety and education account appropriation shall be held in reserve by the administrator for the courts until July 1, 1990.

(9) The administrator for the courts shall prepare a five-year plan for the judicial information system in conformance with the guidelines of the department of information services. The administrator for the courts shall submit the plan to the house of representatives committee on appropriations and the senate committee on ways and means by January 15, 1990. The five-year plan shall include but not be limited to the following items: Long range goals, objectives, and priorities; estimated equipment and software acquisition costs; an equipment acquisition schedule; estimated operating costs by fiscal year; a cost/benefit analysis of planned system modifications; an analysis of the revenue impact of implementing accounts receivable modules; current and projected debt service costs; descriptions of the services provided to each court jurisdiction; and a plan for requiring local matching funds.

(10) \$175,000 of the public safety and education account appropriation is provided solely for development of trial court demonstration projects. This amount shall be matched by at least an equal amount from federal funds. By January 1, 1991, the office shall report to the house of representatives appropriations committee and the senate ways and means committee on development of these projects.

(11) \$100,000 of the public safety and education account appropriation is provided solely to implement recommendations from the gender and justice task force. Of this amount: (a) \$45,000 is provided solely for creation of a task force on domestic violence issues. The task force shall undertake a study of domestic violence issues in the criminal justice system and make recommendations for domestic violence reform; (b) \$25,000 is provided solely for the office of the administrator for the courts to initiate measures to educate and train judges, attorneys, and court personnel on domestic violence issues; and (c) \$30,000 is provided solely for a joint study of spousal maintenance and property division issues by the legislature and the superior court judges' association. By January 1, 1991, the study shall recommend changes to achieve greater economic equity among family members following dissolution of a marriage.

(12) \$75,000 of the public safety and education account appropriation is provided solely for the minority and justice task force program to implement recommendations from the minority and justice task force.

Sec. 105. 1989 1st ex.s. c 19 s 113 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation--State	\$	((11,894,000))
		<u>11,959,000</u>
General Fund Appropriation--Federal	\$	27,779,000
TOTAL APPROPRIATION	\$	((39,673,000))
		<u>39,738,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$182,000 of the general fund--state appropriation is provided solely for mansion maintenance.

(2) ~~\$((421,000))~~ 486,000 of the general fund--state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives

by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(3) \$225,000 of the general fund--state appropriation is provided solely for the administration and activities of a governor's commission on African-American affairs.

Sec. 106. 1990 1st ex.s. c 16 s 111 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	((1,296,000))
		<u>1,326,000</u>

Sec. 107. 1990 1st ex.s. c 16 s 112 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	((8,242,000))
		<u>8,364,000</u>
Archives and Records Management Account		
Appropriation	\$	2,659,000
Department of Personnel Service Fund		
Appropriation	\$	447,000
TOTAL APPROPRIATION	\$	((11,348,000))
		<u>11,470,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the senate.

(2) \$((1,074,000)) 839,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$((2,542,000)) 2,939,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(4) \$123,000 of the general fund appropriation is provided solely for expansion of the oral history program recently instituted by the archives and records management division.

(5) \$((200,000)) 68,000 of the general fund appropriation is provided solely to reimburse counties for costs associated with reporting absentee ballots by precinct, pursuant to chapter 262, Laws of 1990.

Sec. 108. 1990 1st ex.s. c 16 s 114 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund Appropriation	\$	((902,000))
		<u>937,000</u>
Motor Vehicle Fund Appropriation	\$	225,000
Municipal Revolving Fund Appropriation	\$	16,567,000
Auditing Services Revolving Fund Appropriation	\$	((10,409,000))
		<u>10,249,000</u>
TOTAL APPROPRIATION	\$	((28,103,000))
		<u>27,978,000</u>

Sec. 109. 1990 1st ex.s. c 16 s 118 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund		
Appropriation	\$	23,209,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(908,000)~~ 858,000 is provided solely for information systems projects named in this section for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Transmittals, member account ledgers, account receivables, billing, and disbursements.

(2) \$871,000 is provided solely for reduction of the agency's backlogs.

(3) \$184,000 is provided solely for development of data security and program library management.

(4) \$50,000 is provided solely for the preparation of information on disability benefit for members of the retirement systems. In preparing this information, the department shall coordinate with the joint committee on pension policy regarding the committee's employee communications project.

(5) The department shall be divided into three program areas of administration, data processing, and retirement operations.

(6) \$678,000 is provided solely to implement chapter 8, Laws of 1990 (Substitute Senate Bill No. 6594, notification of service credit), Substitute House Bill No. 2643 (survivor's options), and Substitute House Bill No. 2644 (service credit calculations).

(7) \$150,000 is provided solely for preparation and distribution of educational and informational material on retirement for the members of the state's retirement systems. The material shall include, but not be limited to, an update of the plan statements of the state's retirement systems in a readily understandable form, development of easily understood explanations of specific retirement benefits and procedures for obtaining such benefits, and orientation information on retirement.

Sec. 110. 1990 1st ex.s. c 16 s 119 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account

Appropriation	\$	((2,111,000))
		<u>4,111,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$142,000 is provided solely for the information systems project known as the state-wide investment management system.

(2) \$2,000,000 is provided solely for critical and unanticipated expenses incurred in managing public trust and retirement funds under section 801(3) of this act.

Sec. 111. 1989 1st ex.s. c 19 s 133 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	((1,329,000))
		<u>1,335,732</u>

Sec. 112. 1990 1st ex.s. c 16 s 121 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation--State	\$	9,296,000
General Fund Appropriation--Federal	\$	1,715,000
General Fund Appropriation--Private/Local	\$	99,000
Motor Vehicle Fund Appropriation	\$	368,000
Resource Management Cost Account		
Appropriation	\$	2,000
State Wildlife Account Appropriation	\$	4,000
Accident Fund Appropriation	\$	1,000
State Patrol Highway Account Appropriation	\$	228,000
Motor Transport Account Appropriation	\$	10,712,000
General Administration Facilities and Services		
Revolving Fund Appropriation	\$	((22,901,000))

	<u>23,455,000</u>
TOTAL APPROPRIATION	\$ ((45,326,000))
	<u>45,880,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund appropriation, state patrol highway account appropriation, resource management cost account appropriation, state wildlife account appropriation, and accident account appropriation are provided solely for risk management activities related to those specific funds and accounts.

(2) \$471,000 of the motor transport account appropriation is provided solely to establish the office of motor vehicle services as provided in chapter 57, Laws of 1989.

(3) \$117,000 of the general fund--state appropriation is provided solely for the processing of asbestos claims on behalf of state agencies. All revenue from the claims shall be deposited in the general fund.

Sec. 113. 1990 1st ex.s. c 16 s 122 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF INFORMATION SERVICES--VIDEO TELECOMMUNICATIONS SYSTEM((-:))

~~\$(1,209,000)~~ 781,000 is appropriated from the general fund to the department of information services for state-wide video telecommunications, of which: (1) \$179,000 is provided solely to develop a plan for cost-effective, incremental implementation of a coordinated state-wide video telecommunications system, pursuant to chapter 208, Laws of 1990; (2) ~~\$(1,000,000)~~ 572,000 is provided solely for the ~~((purchase of video telecommunications equipment deemed by the information services board to be essential and critical components of a coordinated state-wide video telecommunications system))~~ cooperative video telecommunication demonstration project sponsored jointly by the superintendent of public instruction, the state board for community college education, the higher education coordinating board, and the department of information services; and (3) \$30,000 is provided solely for transfer to the superintendent of public instruction to conduct a study on the implications and impact of commercial promotional and commercial sponsorship activities on educational programming and the educational system in general. The superintendent shall prepare and submit a report to the legislature no later than January 15, 1991. The report shall include findings and recommendations, including policy options related to allowing, prohibiting, or limiting the use of commercial promotional activities, or commercial sponsorship activities, in the public school system.

Sec. 114. 1990 1st ex.s. c 16 s 124 (uncodified) is amended to read as follows:
FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$ ((461,000))
	<u>488,000</u>
Certified Public Accountant Examination Account	
Appropriation	\$ 655,000
TOTAL APPROPRIATION	\$ ((1,116,000))
	<u>1,143,000</u>

Sec. 115. 1990 1st ex.s. c 16 s 128 (uncodified) is amended to read as follows:
FOR THE MILITARY DEPARTMENT

General Fund Appropriation--State	\$ ((8,097,000))
	<u>8,143,000</u>
General Fund Appropriation--Federal	\$ 6,425,000
TOTAL APPROPRIATION	\$ ((14,522,000))
	<u>14,568,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation is provided solely for a recruiting brochure for the 81st infantry brigade.

HUMAN SERVICES"

Sec. 201. 1989 1st ex.s. c 19 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations in sections 203 through 219 of chapter 19, Laws of 1989 1st ex. sess., as amended, sections 10 through 16 of chapter 10, Laws of 1989 1st ex. sess., and sections 401 through 423 of chapter 271, Laws of 1989 shall be expended for the programs and in the amounts listed in those sections. However, unless specifically prohibited by this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations listed after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from conditions and limitations.

~~(2) (Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.~~

(2)) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1989. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, except maternal and child health block grant moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

~~((3))~~ (4) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

Sec. 202. 1990 1st ex.s. c 16 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation--State	\$	((276,824,000))
		282,720,000
General Fund Appropriation--Federal	\$	((171,515,000))
		169,598,000
Drug Enforcement and Education Account		
Appropriation	\$	2,000,000
Public Safety and Education Account		
Appropriation	\$	400,000
TOTAL APPROPRIATION	\$	((450,739,000))
		454,718,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,152,000 of the general fund--state appropriation and \$293,000 of the general fund--federal appropriation are provided solely for reduction of the average caseloads for child protective and child welfare casework staff to a standard of thirty-two cases per staff.

(2) \$5,812,000 of the general fund--state appropriation is provided solely to expand services to families to reduce the need for family or group foster care. Of the amount provided in this subsection, \$2,560,000 is provided solely for additional homemakers; \$982,000 is provided solely for family reconciliation services (level II); \$1,000,000 is provided solely for home-based services or treatment for families receiving child protective services; and \$1,270,000 is provided solely for increased child care services.

(3) \$400,000 of the public safety and education account appropriation is provided solely to continue training programs under chapter 70.125 RCW for medical personnel regarding victims of sexual abuse. Training provided under this subsection shall be designed to develop regional expertise on identification, verification, and retention of evidence in cases of child sexual abuse.

(4) \$5,090,000 of the general fund--state appropriation and \$591,000 of the general fund--federal appropriation are provided solely to increase rates and services as follows: \$3,210,000 of the general fund--state appropriation and \$591,000 of the general fund--federal appropriation are provided solely for increased treatment and rates for family foster care and child placement agencies; \$500,000 of the general fund--state appropriation is provided solely for increased grants to domestic violence shelter programs; \$200,000 of the general fund--state appropriation is provided solely for increased grants to victims of sexual assault programs; and \$1,180,000 of the general fund--state appropriation is provided solely for increased rates for therapeutic child care.

(5) \$4,926,000 of the general fund--state appropriation is provided solely to increase the number of children served in the employment child care subsidy program.

(6) \$929,000 of the general fund--state appropriation is provided solely for expansion of the homebuilders program in Thurston, King, Skagit, Clark, and Jefferson counties.

(7) \$300,000 of the general fund--state appropriation is provided solely for grants for the operation of community-based family support centers. Grants shall be administered and evaluated by the council for prevention of child abuse and neglect. Grantees shall be part of a community interagency team that provides support to families, which support may include, but is not limited to, parenting education and support groups, child development assessments, and information and referral services. As a condition of receiving a grant, grantees shall provide twenty-five percent of the funding for family support centers.

(8) Any federal funds not anticipated in this act received for the purpose of maternal and child health services may be spent to increase county health department services to families with young children, including home visits, preventive health care, nutrition, and other services.

(9) \$5,133,000 of the general fund--state appropriation and \$2,559,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to the children and family services program, as specified in section 202 of this act.

(10) \$2,020,000 of the general fund--state appropriation is provided solely for foster care diversion projects established under section 203(15), chapter 289, Laws of 1988. The department shall continue or expand those projects showing positive outcomes in both benefits to families and cost neutrality. The department shall report to the appropriate committees of the legislature by January 8, 1990, on these projects. The reports shall include a description of each project, the cost of each project, and an assessment of its effectiveness.

(11) \$250,000 of the general fund--state appropriation is provided solely for employer-related child care activities, including outreach and technical assistance to employers, by the department of social and health services or community-based child care resource and referral agencies as outlined in Engrossed Substitute House Bill No. 1133

and Second Substitute Senate Bill No. 6051. No moneys provided in this subsection may be spent for grants or loans to employers.

(12) \$2,150,000 of the general fund--state appropriation is provided solely for continuation of the "continuum of care" projects through June 30, 1991. \$1,400,000 of this amount is provided solely for continuation of direct services provided at the three existing sites. In addition, \$250,000 is provided solely for a fourth site. The legislature intends that associated research be limited to the collection of risk assessment data on children served by these sites.

(13) \$1,525,000 of the general fund--state appropriation is provided solely for treatment of sexually abused children pursuant to sections 1402 and 1403, chapter 3, Laws of 1990.

(14) \$1,196,000 of the general fund--state appropriation is provided solely for the treatment of sexually aggressive youth pursuant to chapter 3, Laws of 1990.

(15) \$175,000 of the general fund--state appropriation is provided solely to conduct separate pilot projects in King and Spokane counties for the joint investigation of child abuse and sexual assault cases by local law enforcement personnel and state child protective service caseworkers pursuant to chapter 3, Laws of 1990.

(16) \$55,000 of the general fund--state appropriation is provided solely for Volunteers of America of Spokane's crosswalk project.

(17) \$245,000 of the general fund--state appropriation is provided solely for state-wide parent education and support, including such groups as Parents Anonymous. Of this amount, \$45,000 is provided for the Washington council for the prevention of child abuse and neglect to monitor programs and further develop the database clearinghouse project.

(18) \$1,038,000 of the general fund--state appropriation and \$312,000 of the general fund--federal appropriation are provided for adoption support. Of this amount, \$137,000 of the general fund--state appropriation and \$135,000 of the general fund--federal appropriation are provided solely for reconsideration of adoption support pursuant to Engrossed House Bill No. 2602.

(19) \$204,000 of the general fund--state appropriation and \$28,000 of the general fund--federal appropriation are provided solely for foster care preservice training pursuant to section 2 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(20) \$93,000 of the general fund--state appropriation and \$13,000 of the general fund--federal appropriation are provided solely for on-site monitoring of family foster homes and reporting requirements pursuant to section 4 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(21) \$430,000 of the general fund--state appropriation is provided solely for respite care pursuant to section 8 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$37,000 of the general fund--state appropriation and \$5,000 of the general fund--federal appropriation are provided solely for additional training to foster parents pursuant to section 13 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(23) No more than \$210,000 of the general fund--state appropriation may be spent to increase the administrative rate paid to child placement agencies, effective July 1, 1990.

(24) \$355,000 of the general fund--state appropriation and \$49,000 of the general fund--federal appropriation are provided solely for the recruitment of foster parents pursuant to section 15 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(25) \$125,000 of the general fund--state appropriation and \$17,000 of the general fund--federal appropriation are provided solely to develop and implement a foster parent

survey tool pursuant to section 17 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(26) \$344,000 of the general fund--state appropriation and \$47,000 of the general fund--federal appropriation are provided solely for parental rights termination casework consistent with policy established in sections 31 through 33 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(27) \$9,800,000 of the general fund--state appropriation and \$1,292,000 of the general fund--federal appropriation are provided solely to increase, by a uniform percentage, vendor rates for out-of-home placements, including juvenile group homes, effective July 1, 1990.

(28) \$1,850,000 of the general fund--state appropriation is provided solely to implement the family independence program child care rate structure and child slot system in other child care programs offered by the department, effective January 1, 1991.

(29) \$300,000 of the general fund--state appropriation is provided solely for domestic violence programs.

(30) \$600,000 of the general fund--state appropriation is provided solely for child care for clients of the maternity care access ("first steps") program.

(31) \$2,000,000 of the general fund--state appropriation is provided solely for the expansion of women((s)), infants, and children (WIC) program to eligible children from birth to age six.

(32) \$1,502,000 of the general fund--state appropriation and \$91,000 of the general fund--federal appropriation are provided solely for child care licensing. The legislature intends that .3 of an attorney general FTE be added at the effective date of this act, and that an additional 2.0 attorneys general FTEs be added effective January 1, 1991.

(33) \$2,000,000 of the drug enforcement and education account appropriation is provided solely for the care of children affected by substance abuse by their mothers. Of this amount:

(a) \$600,000 is provided solely for the treatment of infants who are medically fragile as a result of substance abuse by their mothers. Treatment shall be provided at pediatric interim care centers that give temporary medical care to detoxify foster care infants born under the influence of cocaine or other drugs, including alcohol; and

(b) \$1,400,000 is provided solely to increase the number of special needs infants and children receiving therapeutic child care services.

(34) Authority to expend funds for the women((s)), infant, and children (WIC) data systems project is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(35) Authority to expend funds for the children services case and management information system (CAMIS) project is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(36) \$370,000 of the general fund--state appropriation is provided solely to implement Engrossed House Bill No. 2602 subject to the following conditions and limitations:

(a) \$100,000 is provided solely for comprehensive adoption training for public agencies and private nonprofit organizations that provide pregnancy information and counseling to women;

(b) \$240,000 is provided solely for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW for additional staff to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children;

(c) \$30,000 is provided solely for extended general assistance benefits to pregnant women as provided in section 2 of Engrossed Substitute House Bill No. 2602. If the bill is not enacted by June 30, 1990, this amount shall lapse.

(37) \$30,000 of the general fund--state appropriation is provided solely for a study on adoption to be conducted by the senate, house of representatives, administrator for the courts, and the department of social and health services. Of the amount provided in this subsection, \$5,000 shall be provided to the senate, \$5,000 shall be provided to the house of representatives, \$10,000 shall be provided to the administrator for the courts, and \$10,000 shall be provided to the department of social and health services. A report shall be submitted to the appropriate committees of the legislature and shall include: (a) Recommended guidelines for minimum standards for adoption; and (b) recommended statutory and administrative changes to better provide for the needs of persons involved in adoption. The department shall request that the state adoption council, the state bar association, and the state medical association participate in the study.

(38) The department shall expend at least \$60,000 from the general fund--state appropriation during the remainder of the 1989-91 fiscal biennium for therapeutic child care services. This amount shall be in addition to all other expenditures currently planned by the department for this purpose and shall not be spent for any other purpose. This amount is provided solely on a one-time basis and distributed on a per slot basis to provide only for expenses for equipment or consumable supplies for therapeutic child care enhancements.

Sec. 203. 1990 1st ex.s. c 16 s 205 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation--State	\$	((35,439,000))
		<u>34,411,000</u>
General Fund Appropriation--Federal	\$	134,000
TOTAL APPROPRIATION	\$	((35,573,000))
		<u>34,545,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$418,000 of the general fund--state appropriation is provided solely for vendor rate increases for vendors providing service to the juvenile rehabilitation program, as specified in section 202 of this act.

(b) \$554,000 of the general fund--state appropriation is provided solely to accommodate offender population increases resulting from the policies of the juvenile disposition standards board.

(c) \$1,046,000 of the general fund--state appropriation is provided solely for the cost of court-ordered evaluations of juvenile sex offenders to determine their amenability to treatment and for costs associated with providing outpatient sex offender treatment and community supervision as part of the special sexual offender disposition alternative pursuant to chapter 3, Laws of 1990.

(d) \$710,000 of the general fund--state appropriation is provided solely for outpatient treatment services for juvenile sex offender parolees, and for additional juvenile parole staff required as a result of an increase in the length of parole for juvenile sex offenders pursuant to chapter 3, Laws of 1990.

(e) \$171,000 of the general fund--state appropriation is provided solely for the costs of juvenile sex offender treatment coordinators, providing training for regional staff, and establishing resource libraries as recommended by the governor's task force on community protection.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation--State	\$	((47,729,000))
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	<u>49,529,000</u>
General Fund Appropriation--Federal	\$ 871,000
TOTAL APPROPRIATION	\$ ((48,600,000))
	<u>50,400,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) The department shall develop a long-range plan for the future status of institutional programs and facilities. The plan shall be presented to the appropriate policy and fiscal committees of the senate and house of representatives by January 8, 1990, and shall address in detail:

- (i) Offenders who can be diverted to community programs;
- (ii) Community programs necessary to successfully divert offenders from state facilities;
- (iii) Programs and facilities most appropriate for offenders requiring incarceration in state facilities;
- (iv) The costs to state and local organizations to accomplish the plan; and
- (v) Policy changes necessary to accomplish the plan.

(b) \$284,000 of the general fund--state appropriation is provided solely for juvenile sex offender treatment coordinators, specialized treatment services for juvenile sex offenders, training for institutional staff, and resource libraries, as recommended by the governor's task force on community protection.

(3) PROGRAM SUPPORT

General Fund Appropriation	\$ 2,905,000
Sec. 204. 1990 1st ex.s. c 16 s 206 (uncodified) is amended to read as follows:	
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM	

(1) COMMUNITY SERVICES

General Fund Appropriation--State	\$ ((177,613,000))
	<u>176,113,000</u>
General Fund Appropriation--Federal	\$ ((94,432,000))
	<u>94,342,000</u>
General Fund Appropriation--Local	\$ 3,753,000
TOTAL APPROPRIATION	\$ ((275,708,000))
	<u>274,208,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) A maximum of \$35,212,000 of the general fund--state appropriation and \$17,127,000 of the general fund--federal appropriation are provided for approved regional network plans through contracts negotiated with the secretary of social and health services.

(i) It is the intent of the legislature to implement mental health reform on a multi-year schedule. Dramatic escalation of costs for new programs would impair the state's ability to proceed with subsequent expansion. The contracts shall contain a fiscal plan that will ensure that the increased cost of maintaining fiscal year 1991 programs in fiscal year 1992 will not unduly exceed the rate of inflation. Of the amounts provided in this subsection, a maximum of \$500,000 from the general fund--state appropriation may be used for planning and technical assistance grants to counties or regions wishing to form networks. The amounts in this subsection include moneys needed to implement the federal omnibus budget and reconciliation act of 1987 ("OBRA"). First priority for necessary mental health services shall be given to individuals transferred from nursing homes because of OBRA. Such services shall be consistent with an individual's discharge plan and shall include residential services, if needed. Assumptions regarding the number of transfers from the nursing homes shall be incorporated into each contract

and shall be consistent with the state-wide plan. The department shall coordinate OBRA transfers consistent with the provisions of each contract. The secretary shall negotiate contracts only with regional support networks that received recognition under chapter 205, Laws of 1989 as of January 1, 1990. Funding for the north sound and north central networks shall commence no sooner than January 1, 1991. Networks funded after January 1990 shall be subject to the same contracting process as networks funded in January 1990.

(ii) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$206 in fiscal year 1990 and \$210 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital unless the Kitsap residential treatment facility is filled to capacity and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under ninety-day or one hundred eighty-day commitments and individuals who have exhausted all community placement options.

(iii) The department may continue to contract directly with Chartley house until King county joins or becomes a regional support network.

(b) \$2,000,000 of the general fund--state appropriation is provided solely for a mental health housing reserve. The secretary of social and health services shall transfer funds from the reserve to the state hospitals in any quarter in which hospital census exceeds the December 1988 forecast adjusted to eliminate the bed contract assumption. Any amount remaining after March 1991 may be used for one-time grants. In making grants, the secretary shall give priority to proposals that facilitate network development, demonstrate integration with other mental health services, and are designed to reduce involuntary treatment.

(c) \$5,500,000 of the general fund--state appropriation is provided solely for increases for involuntary treatment act administration, including costs associated with involuntary medication hearings.

(d) \$2,200,000 of the general fund--state appropriation is provided solely for information system requirements associated with chapter 205, Laws of 1989. Authority to expend funds for the client information system is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(e) \$600,000 of the general fund--state appropriation and \$400,000 of the general fund--federal appropriation are provided solely for increasing local hospital outlier payments.

(f) \$1,400,000 of the general fund--state appropriation and \$500,000 of the general fund--federal appropriation are for community mental health services for children. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's outpatient services at risk of losing federal financial participation because of lack of state match.

(g) \$3,509,000 of the general fund--state appropriation and \$1,322,000 of the general fund--federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act.

(h) \$165,000 of the general fund--state appropriation is provided solely for a pilot project on the delivery of children's mental health services. The amount provided in this subsection is contingent on receipt by the department of \$393,000 from private sources.

(i) \$1,500,000 of the general fund--state appropriation and \$720,000 of the general fund--federal appropriation are provided solely for the enhancement of children's mental health services. The department shall contract with networks and counties through separate performance-based contracts. Contracts shall include a provision expanding services for underserved or difficult-to-service children, including minorities.

Applications from counties and networks shall include endorsements from affected school districts, child welfare agencies, juvenile court systems, and tribes. Of these amounts, \$200,000 is provided solely for the development of a state-wide action plan for children's mental health. The plan shall include strategies to reduce duplicate case management. It shall recommend changes, if necessary, to mental health statutes and other statutes to accommodate children's special needs and circumstances. It shall include proposals to increase access and availability of culturally relevant mental health services for minority children. It shall propose a protocol for client referrals from educational and social service agencies and a cross-system collaborative process for ranking those referrals. In developing the plan, the department shall involve representatives of the education, juvenile justice, child welfare, and mental health systems. The department shall present the plan by December 1, 1990, to the appropriate program and fiscal committees of the house of representatives and the senate.

(j) \$500,000 of the general fund--state appropriation is provided solely for a comprehensive community-based pilot program for the prevention of community violence:

(i) The pilot program shall be established through a competitive selection process and shall provide for coordination between local law enforcement agencies and courts, local government, domestic violence and victims' support programs, regional support networks, public health agencies, health care providers, schools, and relevant programs within state agencies. The program shall designate a lead agency and develop written interagency agreements to provide a coordinated continuum of services. The pilot program shall make every effort to preserve existing violence intervention programs and coordinate available funding for services related to community violence prevention and services to victims of violence.

(ii) The pilot program shall provide at least the following services: Services to family members who are victims of violence; services to victims of violent crime; case management services; specialized intervention programs for treatment of perpetrators of violence; parenting and caregiver training to families experiencing or at-risk of experiencing violence; and public education regarding community violence.

(iii) Twenty-five percent of the funding for the pilot program shall be provided in-kind or in cash by public or private entities in the community administering the pilot program.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation--State	\$	((208,720,000))
		<u>208,320,000</u>
General Fund Appropriation--Federal	\$	10,877,000
TOTAL APPROPRIATION	\$	((219,597,000))
		<u>219,197,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$9,026,000 of the general fund--state appropriation and \$560,000 of the general fund--federal appropriation are provided for improvements at state mental hospitals. Of these amounts, it is intended that:

(a) \$56,000 is for start-up of an employee day care facility to enhance staff recruitment and retention.

(b) \$500,000 is for staff recruitment, retention, and development activities which includes but is not limited to continuing education, inservice training, and scholarships for staff training to become registered nurses.

(c) \$2,920,000 is for improving housekeeping and maintenance.

(d) \$2,750,000 is for improved staffing at the state hospitals.

(e) \$2,550,000 is for research and teaching activities in cooperation with universities, colleges, community colleges, and vocational technical institutes. In developing these relationships, the secretary shall give highest priority to activities which

improve staff recruitment, retention, and development and contribute to improving quality of care.

(f) \$100,000 is for the nurses conditional scholarship program established in chapter 242, Laws of 1988. The department shall transfer \$100,000 to the higher education coordinating board for the purposes of this section. The moneys transferred to the board shall be used only for nurses who agree to serve at the state hospitals or who agree to serve community mental health providers in underserved areas.

(g) \$960,000 of the general fund--state appropriation is provided solely for the costs incurred by the attorney general and county governments in the civil commitment of sexually violent predators pursuant to chapter 3, Laws of 1990.

(h) \$654,000 is provided solely for providing treatment to civilly committed sexual predators pursuant to chapter 3, Laws of 1990.

(3) PROGRAM SUPPORT

General Fund Appropriation--State	\$	3,347,000
General Fund Appropriation--Federal	\$	1,379,000
TOTAL APPROPRIATION	\$	4,726,000

(4) SPECIAL PROJECTS

General Fund Appropriation--State	\$	1,558,000
General Fund Appropriation--Federal	\$	2,966,000
TOTAL APPROPRIATION	\$	4,524,000

The appropriation in this subsection is subject to the following conditions and limitations: \$900,000 of the general fund--state appropriation is provided solely to expand the primary intervention program to fifteen additional school districts beginning in 1989-90.

Sec. 205. 1990 1st ex.s. c 16 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation--State	\$	117,868,000
General Fund Appropriation--Federal	\$	99,210,000
TOTAL APPROPRIATION	\$	217,078,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$992,000 of the general fund--state appropriation and \$669,000 of the general fund--federal appropriation are provided solely to provide additional funding for the Sunrise group homes congregate care facilities and the St. Margaret's Hall congregate care facility, and to establish a pilot group home project for the Special Homes and MORE organizations. The department may transfer up to \$238,000 of the general fund--state appropriation provided in the long-term care services program to this subsection to provide additional funding for Sunrise group homes.

(b) \$417,000 of the general fund--state appropriation and \$477,000 of the general fund--federal appropriation are provided solely to transfer twenty-eight residents of the united cerebral palsy program to community-based residential programs.

(c) \$2,785,000 of the general fund--state appropriation and \$1,413,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to the developmental disabilities program, as specified in section 202 of this act.

(d) To the extent feasible, the department shall enable at least twenty-two developmentally disabled persons, initially from Clark county, who have been transferred from residential habilitation centers due to downsizing to receive residential and day programming services in Clark county.

(e) \$1,391,000 of the general fund--state appropriation is provided solely for supervision and treatment of developmentally disabled individuals who have a history of

sexually predatory or violent and assaultive behavior, are not incarcerated and cannot be civilly committed, and whose family or other caregivers cannot provide sufficient supervision or care to prevent the individual from engaging in further sexually predatory or violent and assaultive behaviors, as recommended by the governor's task force on community protection.

(f) \$300,000 of the general fund--state appropriation is provided solely for contracting with a not-for-profit organization for the purpose of promoting supported employment services for the developmentally disabled. Any agreement for the use of a portion of this appropriation shall require that an amount equal to at least one-half of that portion be contributed from nonstate sources for the same purpose. The department shall audit the not-for-profit organization at the end of the biennium to ensure that the organization has secured the required matching funds.

~~((h))~~ (g) In making residential placement of clients with developmental disabilities previously residing in residential habilitation centers, the state may provide such services directly after: Efforts have been made to provide private support and services to the client; private residential providers from the region chosen by the client or parent or guardian have been contacted about providing services to the client; and the parent or guardian requests placement in a state-operated facility.

(i) The department shall immediately request that the county with the largest population within each of the department's six administrative regions prepare and annually update, through a cooperative effort with the local developmental disability boards and the regional department administration, a directory of all services available within the region for the developmentally disabled. \$151,000 of the general fund--state appropriation is provided solely for allocation to the counties for preparation of the directory.

(ii) Prior to placing a client in a community residential program, the department shall interview the client and the client's parent or guardian about the placement, including, if necessary, mailing a certified letter to the last known address of the parent or guardian.

(iii) A client who has been moved from a state residential habilitation center to a private community residential program or a private facility for the mentally retarded shall not thereafter be placed in a state-operated community residential program, unless no private facility in the region is able and willing to serve the client, as determined by the department.

(iv) After December 31, 1990, the number of clients served in state-operated community residential programs, other than regional habilitation centers, shall not exceed the number of clients who are subject to the federal and state plans in effect on March 30, 1990, for residential habilitation center reduction and who by December 31, 1990, choose to be so served.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation--State	\$	((105,025,000))
		<u>108,225,000</u>
General Fund Appropriation--Federal	\$	((127,731,000))
		<u>150,527,000</u>
TOTAL APPROPRIATION	\$	((232,756,000))
		<u>258,752,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,000,000 of the general fund--state appropriation and \$675,000 of the general fund--federal appropriation are provided solely to fund the provisions of Engrossed Substitute House Bill No. 1051. If Engrossed Substitute House Bill No. 1051 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(b) \$150,000 of the general fund--state appropriation may be used to provide day programming services to residents of the Frances Haddon Morgan Center.

(3) PROGRAM SUPPORT

General Fund Appropriation--State	\$	3,879,000
General Fund Appropriation--Federal	\$	626,000
TOTAL APPROPRIATION	\$	4,505,000
Sec. 206. 1990 1st ex.s. c 16 s 208 (uncodified) is amended to read as follows:		
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--LONG-TERM CARE SERVICES		
General Fund Appropriation--State	\$	((460,847,000))
		<u>447,369,000</u>
General Fund Appropriation--Federal	\$	((519,795,000))
		<u>502,950,000</u>
General Fund Appropriation--Local	\$	296,000
TOTAL APPROPRIATION	\$	((980,938,000))
		<u>950,615,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 4.7 percent on July 1, 1989, and 4.7 percent on July 1, 1990.

(2) \$3,200,000 of the general fund--state appropriation is provided solely to enhance respite care services.

(3) The department shall provide personal care services for Title XIX categorically eligible persons, effective July 1, 1989. Personal care services shall be provided to eligible persons with one or more personal care needs who meet program eligibility standards established by rule pursuant to chapter 34.05 RCW.

(4) \$2,100,000 of the general fund--state appropriation and \$700,000 of the general fund--federal appropriation are provided solely to increase medical benefits for contracted chore service workers, contracted personal care workers, and contracted COPEs workers.

(5) The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.

(6) At least \$16,050,420 of the general fund--state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,265,000 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(7) \$2,179,000 of the general fund--state appropriation and \$2,464,000 of the general fund--federal appropriation are provided solely for expansion of the community options entry program.

(8) \$700,000 of the general fund--state appropriation is provided for new and expanded volunteer chore services.

(9) \$4,270,000 of the general fund--state appropriation and \$813,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to long-term care services, as specified in section 202 of this act.

(10) \$500,000 of the general fund--state appropriation is provided solely to enhance quality assurance for adult family homes through enhanced survey, licensing, and contracted consultation activities. If House Bill No. 1968 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(11) In addition to the adjustments for inflation set forth in subsection (1) of this section, \$1,410,000 of the general fund--state appropriation and \$1,590,000 of the general fund--federal appropriation are provided solely for a special prospective inflation adjustment for the nursing services cost center. The special adjustment shall go into

effect July 1, 1989, and shall be set at a level to ensure that the amount provided in this subsection is sufficient to fund the special adjustment through June 30, 1991. The special adjustment shall be used only to fund wages and benefits and shall not be used to fund nursing pool expenses. The legislature finds that medicaid reimbursement rates, in every cost center and rate period, are and have been adequate, without enhancements, to meet costs that must be incurred by economically operated nursing care in compliance with all state or federal health and safety standards.

(12) \$5,957,000, of which \$2,638,000 is from the general fund--state appropriation, is provided solely for the maximum needs allowance for at-home spouses of nursing home residents as provided in chapter 87, Laws of 1989. The maximum needs allowance is set at \$1,258 per month per at-home spouse.

(13) \$50,000 of the general fund--state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general.

Sec. 207. 1990 1st ex.s. c 16 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund Appropriation--State	\$	((422,021,000))
		<u>509,380,000</u>
General Fund Appropriation--Federal	\$	((561,882,000))
		<u>567,297,000</u>
TOTAL APPROPRIATION	\$	((983,903,000))
		<u>1,076,677,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,661,000 of the general fund--state appropriation and \$10,026,000 of the general fund--federal appropriation are provided solely for a two percent standard increase beginning January 1, 1990, for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(2) \$7,938,000 of the general fund--state appropriation and \$9,210,000 of the general fund--federal appropriation are provided solely for a six percent increase, beginning January 1, 1991, in the grant standard for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(3) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$55	71	86	102	117	133	154	170

(4) \$946,000 of the general fund--state appropriation and \$241,000 of the general fund--federal appropriation are provided solely for the shelter component of grants for homeless families or persons who lack a fixed, regular, and adequate nighttime residence, or who reside in a public or privately operated shelter that is designed to provide temporary living accommodations, or who are provided temporary lodging through a public or privately funded emergency shelter program. This amount is intended to be applied to members of these groups whose grants could otherwise be established using a separate standard for shelter provided at no cost pursuant to RCW 74.04.770.

(5) \$250,000 of the general fund--state appropriation and \$117,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services for the income assistance program, as specified in section 202 of this act.

(6) The department shall expand the family independence program by four sites to a total of fifteen sites.

~~((7) Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.)~~

Sec. 208. 1990 1st ex.s. c 16 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation--State	\$	((28,872,000))
		<u>27,672,000</u>
General Fund Appropriation--Federal	\$	38,941,000
Drug Enforcement and Education Account		
Appropriation--State	\$	((800,000))
		<u>600,000</u>
TOTAL APPROPRIATION	\$	((68,613,000))
		<u>67,213,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,204,000 of the general fund--state appropriation and \$32,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services for the community social service program, as specified in section 202 of this act.

(2) \$700,000 of the general fund--state appropriation is provided solely to expand refugee assistance services.

(3) In order to achieve a more equitable rate structure, the department, in consultation with affected parties, shall revise its rates for vendors providing services for the alcohol and drug addiction treatment and support program by reducing outpatient treatment rates and increasing inpatient treatment rates.

(4) \$300,000 of the drug enforcement and education account--state appropriation is provided solely for youth employment programs for drug-involved youth who are or have been under the jurisdiction of the department of social and health services, division of juvenile rehabilitation. Services shall be provided by the corrections clearinghouse and Washington service corps operated by the department of employment security.

(5) ~~((500,000))~~ \$300,000 of the drug enforcement and education account--state appropriation is provided solely for outreach to chemically dependent pregnant women and for the operation of transitional sobriety housing for recovering chemically dependent pregnant women and their children.

Sec. 209. 1990 1st ex.s. c 16 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM--ASSESSMENT AND TREATMENT

General Fund Appropriation--State	\$	((16,199,000))
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	<u>13,899,000</u>
General Fund Appropriation--Federal \$	9,948,000
Drug Enforcement and Education Account Appropriation--State \$	((1,500,000))
	<u>750,000</u>
TOTAL APPROPRIATION \$	((27,647,000))
	<u>24,597,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund appropriations are provided solely for assessment and treatment services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. First priority for receipt of inpatient and outpatient treatment services shall be given to pregnant women and parents of young children. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) The entire drug enforcement and education account--state appropriation is provided solely for child care for children of parents in outpatient drug and alcohol treatment.

Sec. 210. 1990 1st ex.s. c 16 s 213 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM--SHELTER

General Fund Appropriation \$	((3,423,000))
	<u>1,923,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for shelter services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) A person is eligible for shelter services provided by this appropriation only if he or she:

- (a) Meets the financial eligibility requirements contained in RCW 74.04.005;
- (b) Is incapacitated from gainful employment due to a condition contained in (c) of this subsection, which incapacity will likely continue for a minimum of sixty days; and
- (c)(i) Suffers from active addiction to alcohol or drugs manifested by physiological or organic damage resulting in functional limitation, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding; or
- (ii) Suffers from active addiction to alcohol or drugs to the extent that impairment of the applicant's cognitive ability will not dissipate with sobriety or detoxification, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding.

(3) Any rule by the department pursuant to section 2, chapter 3, Laws of 1989, as amended, shall be consistent with these conditions and limitations.

(4) Consistent with RCW 74.50.010(7), the department shall aggressively develop and contract for shelter services, including dormitory-style shelters.

Sec. 211. 1990 1st ex.s. c 16 s 216 (uncodified) is amended to read as follows:

The sums of ~~((eleven))~~ ten million two hundred thousand dollars from the drug enforcement and education account--state and one million dollars from the general fund--federal, or as much thereof as may be necessary, are appropriated for the biennium ending June 30, 1991, to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their families. At least forty percent of new inpatient treatment slots provided under this section shall be located east

of the Cascade mountains. Up to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

Sec. 212. 1990 1st ex.s. c 16 s 217 (uncodified) is amended to read as follows:

The sums of (~~one hundred eighty three thousand dollars from the drug enforcement and education account state and~~) two hundred seventeen thousand dollars from the general fund--federal, or as much thereof as may be necessary, are appropriated for the biennium ending June 30, 1991, to the department of social and health services for distribution to counties for methadone treatment pursuant to chapter 69.54 RCW, subject to the following conditions and limitations: This sum is provided solely for the purpose of increasing the number of persons for whom methadone treatment is available, and the department shall distribute funds under this section to a county only for the establishment of new treatment centers and only if a county attempts to recover the cost of methadone treatment by charging user fees based on ability to pay.

Sec. 213. 1990 1st ex.s. c 16 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation--State	\$	((697,558,000))
		<u>723,447,000</u>
General Fund Appropriation--Federal	\$	((689,430,000))
		<u>700,993,000</u>
TOTAL APPROPRIATION	\$	((1,386,988,000))
		<u>1,424,440,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(2) The senate committee on ways and means and the house of representatives committee on appropriations shall jointly contract for a management and financial study of Harborview medical center, for the purpose of determining whether the cause of the actual and projected operating losses experienced by Harborview medical center are attributable to management practices within the hospital itself, or whether they are fundamentally attributable to the context in which the hospital operates.

(3) The department shall continue variable ratable reductions for the medically indigent and general assistance--unemployable programs in effect November 1, 1988.

(4) \$7,014,000 of the general fund--state appropriation and \$6,928,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to the medical assistance program, as specified in section 202 of this act.

(5) In order to increase coordination and visibility of the state's overall mental health effort, a maximum of \$37,158,000 of the general fund--state appropriation, and a maximum of \$39,921,000 of the general fund--federal appropriation may be transferred to the mental health program. The department shall report to the house of representatives committee on appropriations and senate ways and means committee on any adjustments needed to this act to implement this subsection. It is the intent of the legislature that providers providing services funded by the amounts provided in this subsection shall receive the vendor increases provided in this section.

(6) \$14,473,000 of the general fund--state appropriation and \$17,566,000 of the general fund--federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

((8)) (7) \$1,620,000 of the general fund--state appropriation and \$1,914,000 of the general fund--federal appropriation are provided solely for medical assistance for categorically needy children up to age six whose household income does not exceed one hundred thirty-three percent of the federal poverty level and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

((9)) (8) \$4,470,000 of the general fund--state appropriation and \$2,155,000 of the general fund--federal appropriation are provided solely for the expansion of health care services for children up to age eighteen from families with incomes below the federal poverty level. If Engrossed Substitute House Bill No. 2603 is enacted by June 30, 1990, the expansion shall become effective January 1, 1991. If Engrossed Substitute House Bill No. 2603 is not enacted by June 30, 1990, the amounts provided in this subsection shall lapse.

((10)) (9) \$6,293,000 of the general fund--state appropriation and \$6,545,000 of the general fund--federal appropriation are provided solely to increase children's access to basic health care through increases in payment rates for medical assistance and children's health services. \$1,371,000 of the general fund--state amount and \$459,000 of the general fund--federal amount in this subsection are provided solely to increase rates for managed care providers. The department shall adjust rates to ensure that no managed care provider is paid less than the state-wide average fee-for-service equivalent. The rate increases provided in this subsection shall become effective September 1, 1990.

((11)) (10) The department may, by intra-agency agreement, transfer funding from the appropriations for the medical assistance program to other department programs to provide nonhospital care for infants born with alcohol or drug addiction. Up to \$500,000 of the general fund--state appropriation may be transferred to the division of children and family services to provide specialized support and services to foster parents of these specialized needs babies. The support and services may include case management services, personal care services, specialized medical equipment, training, respite services, and counseling services. The department may prospectively reimburse foster care providers of infants and children affected by maternal use of or exposure to alcohol, drugs, or AIDS. Where possible, the department shall claim federal match for this less expensive alternative to hospital care. When it is deemed medically necessary for an infant to remain in a hospital setting, the infant shall not be transferred to a nonhospital setting. Transfer of the amounts under this subsection shall continue only if the department is able to demonstrate savings. The department shall report to the appropriate fiscal and program committees of the house of representatives and the senate on the implementation of this section by November 15, 1990.

Sec. 214. 1990 1st ex.s. c 16 s 220 (uncodified) is amended to read as follows:
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
 ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund Appropriation--State	\$	((55,898,000))
		<u>55,198,000</u>
General Fund Appropriation--Federal	\$	((36,980,000))
		<u>37,680,000</u>
Institutional Impact Account Appropriation	\$	230,000
TOTAL APPROPRIATION	\$	93,108,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$666,000 of the general fund--state appropriation is provided solely to enhance the department's accounting system.

(2) \$83,000 of the general fund--state appropriation is provided solely for victims and witness notification pursuant to chapter 3, Laws of 1990.

(3) \$159,000 of the general fund--federal appropriation is provided solely to fund the 1989-91 salary increase in those programs that receive lidded federal block grant allocations. The department may transfer funds provided in this subsection between programs as necessary to accomplish the purpose of this subsection.

(4) \$150,000 of the general fund--state appropriation is provided solely for transfer to the institutional impact account.

(5) \$148,000 of the general fund--state appropriation and \$20,000 of the general fund--federal appropriation are provided solely for parental rights termination case administrative support pursuant to Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 215. 1990 1st ex.s. c 16 s 221 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation--State	\$	((164,539,000))
		<u>163,617,000</u>
General Fund Appropriation--Federal	\$	((200,973,000))
		<u>201,895,000</u>
TOTAL APPROPRIATION	\$	<u>365,512,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,178,000 of the general fund--state appropriation is provided solely to expand the supplemental security income pilot project state-wide.

(2) \$454,000 of the general fund--state appropriation and \$840,000 of the general fund--federal appropriation are provided solely to expand the patient-requiring-regulation program and provider review program of the division of medical assistance.

(3) \$1,000,000 of the general fund--state appropriation and \$1,000,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the Washington state institute for public policy to continue to conduct a longitudinal study of public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(4) \$645,000 of the general fund--state appropriation and \$1,284,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(5) \$102,000 of the general fund--state appropriation and \$306,000 of the general fund--federal appropriation are provided solely for the department of social and health services and the employment security department for costs associated with the evaluation of the family independence program.

(6) \$137,000 of the general fund--state appropriation is provided solely for vendor rate increases for vendors providing services to the community services program, as specified in section 202 of this act.

(7)(a) \$668,000 of the general fund--state appropriation and \$518,000 of the general fund--federal appropriation are provided solely to continue the complaint backlog project to investigate and process backlogged public assistance and food stamp fraud complaints. The department shall assign additional staff under this subsection with the goals of (i) eliminating the complaint backlog existing as of June 30, 1989, by March 1990, and (ii) maximizing overpayment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department's accounting system. The department shall collect necessary data on the backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and

cost-effectiveness of the additional funding provided for complaint backlog work by this section.

Sec. 216. 1990 1st ex.s. c 16 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation--State	\$	((84,912,000))
		<u>87,878,000</u>
General Fund Appropriation--Federal	\$	((132,144,000))
		<u>149,026,000</u>
General Fund Appropriation--Private/Local	\$	269,000
Building Code Council Account Appropriation	\$	809,000
Public Works Assistance Account Appropriation	\$	933,000
Fire Service Training Account Appropriation	\$	750,000
State Toxics Control Account Appropriation	\$	519,000
Low Income Weatherization Account		
Appropriation	\$	13,000,000
Washington Housing Trust Fund Appropriation	\$	13,500,000
TOTAL APPROPRIATION	\$	((246,836,000))
		<u>266,684,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund--state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. No portion of this amount may be expended for a grant without a match of an equal portion from nonstate sources. No organization shall be eligible for such a grant unless it has operated without a deficit for at least the previous two years. A maximum of \$200,000 of this appropriation may be expended for grants in any single county.

(2) \$200,000 of the general fund--state appropriation is provided solely for development of a state-wide food stamp assistance outreach program. No portion of this amount may be expended without a match of an equal amount from federal funds.

(3) \$8,500,000 of the general fund--state appropriation is provided solely for security costs associated with the goodwill games, subject to the following conditions and limitations:

(a) Of this amount, an initial allocation not greater than \$1,500,000 may be expended by the department to develop, in consultation with the Washington state patrol, local governments, the Seattle goodwill games organizing committee, and appropriate federal authorities, a coordinated security plan for the 1990 goodwill games. The security plan shall contain an assessment of the security requirements for the goodwill games; a definition of the policy goals; and a description of the roles and responsibilities of federal, state, and local agencies in preparing and implementing the plan. The plan shall contain a detailed security plan element for the athletes village and for each of the local event venues. The plan shall provide a detailed budget that outlines how federal, state, local government resources, and Seattle goodwill games organizing committee resources will be used to meet the financial requirements of the plan. The plan shall consider the experiences of other states in providing security for such events. The initial plan shall be completed no later than November 1, 1989, and shall be submitted to the appropriate committees of the legislature no later than January 8, 1990. Refinements to the security plan for the goodwill games may continue through July 15, 1990.

(b) Other than expenditures for developing the plan, no portion of the amount provided in this subsection may be expended unless the plan has been completed and the expenditure complies with the plan and with the following conditions and limitations:

(i) The department shall provide in full for the entire budget requirement from the amount provided in this subsection contained in the plan for the Washington state patrol.

(ii) No more than \$150,000 of the amount provided in this subsection may be expended for administration of the plan.

(iii) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(c) The remainder of the funds provided shall be allocated to local governments and other state entities on the basis of a recommendation from the Seattle goodwill games organizing committee. No portion of these funds may be provided for reimbursement until the Seattle organizing committee has provided the department with a written recommendation for distribution of the state appropriation. Local revenues lost and expenses for reducing normal workloads as a result of the goodwill games shall not be eligible for reimbursement from the general fund--state appropriation.

(d) Within, and not in addition to, the amount that otherwise would be allocated to the city of Tacoma for security purposes, \$25,000 shall be provided solely to the Washington state historical society for security costs incurred as a result of the goodwill games and related activities.

(e) The department shall present a final report to the house of representatives appropriations committee and the senate ways and means committee by June 1, 1990, detailing the amounts each jurisdiction will receive for security costs.

(f) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(4) \$3,000,000 of the general fund--state appropriation is provided solely for grants to emergency shelters.

(5) \$526,000 of the general fund--state appropriation is provided solely for the department's emergency food assistance program.

(6) \$250,000 of the general fund--state appropriation is provided solely for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

(7) \$16,900,000 of the general fund--state appropriation is provided solely to increase the number of children enrolled in the early childhood education program.

(8) \$120,000 is provided solely for the department to provide grants to nonprofit organizations for the purpose of locating at least one additional reemployment center in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include but are not limited to reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services shall not supplant the on-going efforts of any reemployment centers existing on the effective date of this act. Not more than five percent of this amount may be used for administrative costs of the department.

(9) \$307,000 of the general fund--state appropriation is provided solely for the department to continue homeport activities.

(10) \$200,000 of the general fund--state appropriation is provided solely to assist Okanogan county with planning activities to address impacts associated with major tourism developments.

(11) \$75,000 of the general fund--state appropriation is provided solely for increased grants to public radio and television stations, consistent with RCW 43.63A.410 through

43.63A.420. In determining the allocation of grants to stations, the department shall strive to provide rural stations equitable access to these funds.

(12) \$200,000 of the general fund--state appropriation is provided solely for a pilot rural revitalization program.

(13) \$200,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington for development and continuation of the children's telecommunication project. \$50,000 of this amount is a one-time contribution to the project.

(14) \$375,000 of the general fund--state appropriation is provided solely to enhance the long-term care ombudsman program. Of this amount: (a) \$75,000 is provided solely to ensure adequate legal assistance to both residents of long-term care facilities and staff of the program; and (b) \$100,000 is provided solely to establish at least two additional service sites.

(15) \$100,000 of the general fund--state appropriation is provided solely as state support for the Washington state games. The amount provided in this subsection is contingent on the receipt of an equal amount from private sources.

(16) \$168,000 of the general fund--state appropriation is provided solely for equipment costs for the department's emergency operations center. The department shall develop and implement a plan to provide twenty-four hour-a-day access to the emergency operations center for local governments and other emergency management entities.

(17) \$10,000 of the general fund--state appropriation is provided solely for a grant to the Seattle children's museum to provide multicultural outreach programs to at-risk children in regional afterschool programs.

(18) \$260,000 of the general fund--state appropriation is provided to establish a system of early identification and referral to treatment of child victims of sexual assault or sexual abuse pursuant to section 1403, chapter 3, Laws of 1990.

(19) \$2,813,000 of the general fund--state appropriation is provided for grants to local programs and providers that aid victims of crime, pursuant to chapter 3, Laws of 1990, and for the crime victims advocacy office as recommended by the governor's task force on community protection. Of this amount: (a) Not more than \$53,000 shall be used for administration of the grant program; (b) \$260,000 is provided solely for the crime victims advocacy office; and (c) not more than \$53,000 may be expended for administration of the grant program.

(20) \$7,339,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed as follows:

(a) \$1,800,000 to local units of government to continue existing local drug task forces.

(b) \$2,609,000 to local units of government to expand local drug task forces.

(c) \$730,000 to the department of community development to expand the state-wide drug prosecution assistance program.

(d) \$370,000 to the department of social and health services, division of juvenile rehabilitation, for matching grants to local governments, communities, schools, and the private sector to help prevent young people from joining gangs. Any agreement for the use of a portion of these moneys shall require that an amount equal to at least forty percent of that portion, including in-kind contributions, be contributed from nonstate sources for the same purpose. No single agency may receive more than one grant during the biennium, and no grant may exceed \$100,000 in value, including the value of nonstate matching amounts.

(e) \$165,000 to the department of community development to provide resources for the design, coordination, and implementation of programs that will reduce drug and gang activities in low-income housing complexes. These programs shall be provided through local contractors, which may include low-income housing organizations and housing authorities.

(f) \$535,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of expanding existing domestic violence advocacy programs, to provide legal and other assistance to victims and witnesses in court proceedings, and to establish new domestic violence advocacy programs.

(g) \$500,000 to the Washington state patrol for support of new drug law enforcement task forces in Yakima and Lewis counties.

(h) \$150,000 to the Washington state patrol for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine lab with the department of ecology to ensure maximum effectiveness of the program.

(i) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(j) \$150,000 to the criminal justice training commission for narcotics enforcement training.

(k) \$180,000 to the department of community development for general administration of grants.

The department, in consultation with the governor's drug policy board, shall make recommendations to the governor concerning expenditure of moneys from the federal drug control and system improvement formula grant program for inclusion in the budget. The drug policy board shall consider chapter 271, Laws of 1989 as state policy for purposes of establishing spending priorities for federal antidrug funds.

(21) \$216,000 of the general fund--state appropriation is provided solely for juvenile court and detention costs resulting from Second Substitute Senate Bill No. 6610 (at-risk youth). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$200,000, of which \$120,000 is from the general fund--state appropriation and \$80,000 is from the general fund--federal appropriation, is provided solely for the department to develop a seismic safety program to assess and make recommendations regarding the state's earthquake preparedness. The department shall create a seismic safety advisory board to develop a comprehensive plan and make recommendations to the legislature for improving the state's earthquake preparedness. The plan shall include an assessment of and recommendations on the adequacy of communications systems, structural integrity of public buildings, including hospitals and public schools, local government emergency response systems, and prioritization of measures to improve the state's earthquake readiness. The department shall report to the senate and house of representatives committees on energy and utilities by December 1, 1991. An interim report shall be made to the committees by December 1, 1990.

(23) \$75,000 of the general fund--state appropriation is provided solely for planning new permanent displays of natural and cultural history and shall be transferred to the Thomas Burke Memorial Washington State Museum.

(24) \$9,200,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929. Of this amount: (a) \$7,400,000 is provided solely for grants to counties and cities; (b) \$1,000,000 is provided solely for the department to provide technical assistance and mediation assistance to local governments for the development and implementation of comprehensive plans; (c) \$550,000 is provided for grants to rural communities; and (d) \$250,000 is provided solely for the inventory and collection of data on public and private land use. If Engrossed Substitute House Bill No. 2929 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(25) \$70,000 of the general fund--state appropriation is provided solely for the center for voluntary action to develop a strategic plan to foster citizen service in the state. The plan shall examine ways to utilize senior citizens in citizen service; coordinate the activities between community organizations, schools, higher education institutions, business, and government service programs; and make recommendations on programs to

link volunteers to service opportunities among these organizations. This is intended as a one-time appropriation.

((28)) (26) \$2,000,000 of the housing trust fund appropriation is provided solely for housing assistance projects that benefit families with children, and \$200,000 of the housing trust fund appropriation is provided solely to implement a homelessness prevention pilot program. These amounts shall not be subject to all of the criteria for evaluation under RCW 43.185.070.

((29)) (27) \$10,000 of the general fund--state appropriation is provided solely for an international symposium to promote physical fitness.

Sec. 217. 1989 1st ex.s. c 19 s 223 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account		
Appropriation	..... \$	324,000
Worker and Community Right-to-Know Account		
Appropriation	..... \$	32,000
Accident Fund Appropriation	..... \$	((6,459,000))
		<u>6,549,000</u>
Medical Aid Fund Appropriation	..... \$	((6,459,000))
		<u>6,549,000</u>
TOTAL APPROPRIATION	..... \$	<u>((13,274,000))</u>
		<u>13,454,000</u>

Sec. 218. 1990 1st ex.s. c 16 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	..... \$	9,277,000
Public Safety and Education Account Appropriation--		
State	..... \$	((19,764,000))
		<u>13,764,000</u>
Public Safety and Education Account		
Appropriation--Federal	..... \$	2,000,000
Accident Fund Appropriation	..... \$	101,422,000
Electrical License Fund Appropriation	..... \$	12,408,000
Farm Labor Revolving Account Appropriation	..... \$	30,000
Medical Aid Fund Appropriation	..... \$	120,161,000
Asbestos Account Appropriation	..... \$	1,314,000
Plumbing Certificate Fund Appropriation	..... \$	696,000
Pressure Systems Safety Fund Appropriation	..... \$	1,476,000
Worker and Community Right-to-Know Fund		
Appropriation	..... \$	2,406,000
TOTAL APPROPRIATION	..... \$	<u>((270,954,000))</u>
		<u>264,954,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((6,596,793)) 4,765,000 from the accident fund appropriation and \$((12,953,328)) 4,765,000 from the medical aid fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 802 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document image processing, improved service level, electronic data interchange, interactive system, and integrated system.

(2) \$216,000 of the worker and community right-to-know appropriation, \$575,000 of the accident fund appropriation, and \$101,000 of the medical fund appropriation are provided to fund the provisions of House Bill No. 2222 (chapter 380, Laws of 1989). If

the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(3) \$1,430,000 of the public safety and education account--state appropriation is provided solely for the crime victims' compensation fund, pursuant to chapter 3, Laws of 1990.

(4) \$78,000 from the accident fund appropriation and \$78,000 from the medical aid fund appropriation are provided solely to reimburse the legal services revolving fund for increased salary costs of existing attorney general staff.

(5) \$650,000 from the accident fund appropriation and \$650,000 from the medical fund appropriation are provided solely for a health evaluation program within the department to monitor new trends in worker illnesses and injuries.

(6) \$132,000 from the accident fund appropriation and \$23,000 from the medical fund appropriation are provided solely for the Worksafe 90 program, to reduce workplace accidents and illnesses.

Sec. 219. 1990 1st ex.s. c 16 s 228 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation--State	\$	((20,229,000))
		<u>20,297,000</u>
General Fund Appropriation--Federal	\$	5,988,000
General Fund Appropriation--Local	\$	7,802,000
TOTAL APPROPRIATION	\$	((34,019,000))
		<u>34,087,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$192,000 of the general fund--state appropriation is provided solely for services to treat post-traumatic stress disorder. Of this amount, \$20,000 is provided solely to maximize services to rural and minority veterans.

(2) \$68,000 of the general fund--state appropriation is provided solely to enhance counseling programs for posttraumatic stress disorder.

Sec. 220. 1990 1st ex.s. c 16 s 229 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) The appropriations in this section and in section 232, chapter 299, Laws of 1990, shall be expended for the programs and in the amounts listed in the sections. However, unless specifically prohibited under this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations listed in the sections after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from appropriation levels and any deviation from the conditions and limitations.

(2) COMMUNITY SERVICES

General Fund Appropriation	\$	75,022,000
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The appropriation in this subsection is subject to the following conditions and limitations:

(a) To the extent feasible, the department shall increase the daily board and room charges authorized under RCW 72.65.050 for work release participants to \$15.00.

(b) \$327,000 of the general fund appropriation is provided solely for polygraph and plethysmograph testing of individuals who have been convicted of a sex offense, and which is required as a condition of their release, as recommended by the governor's task force on community protection.

~~((2))~~ (3) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	313,100,000
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The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$556,000 of the general fund appropriation is provided for offender population increases associated with increased penalties for residential burglaries established in Engrossed Senate Bill No. 5233. If the bill is not enacted by June 30, 1989, this amount shall lapse.

(b) \$172,000 of the general fund appropriation is provided solely to accommodate increased prison inmate populations as a result of the increased criminal penalties pursuant to chapter 3, Laws of 1990.

((d)) (c) \$1,107,000 of the general fund appropriation is provided solely to increase the number of sex offenders receiving treatment in the state correctional system, as recommended by the governor's task force on community protection. Specifically, during the 1989-91 biennium, the department shall expand the existing residential component of the sex offender treatment program from one hundred to two hundred beds, and the day treatment component from seventy to one hundred seventy beds.

((3)) (4) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	..... \$	((24,081,000))
		<u>24,481,000</u>
Institutional Impact Account Appropriation	..... \$	332,000
TOTAL APPROPRIATION	..... \$	((24,413,000))
		<u>24,813,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

((a)) \$49,000 of the general fund appropriation is provided to develop computer link-ups with the Washington state patrol to permit access to information on offenders, as recommended by the governor's task force on community protection.

((4)) (5) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	..... \$	2,622,000
Sec. 221. 1990 1st ex.s. c 16 s 230 (uncodified) is amended to read as follows:		
FOR THE WASHINGTON BASIC HEALTH PLAN		
General Fund Appropriation	..... \$	((17,991,000))
		<u>13,768,000</u>

The appropriation in this section is subject to the following conditions and limitations: The plan may enroll up to ((25,000)) 20,000 individuals during the 1989-91 biennium.

Sec. 222. 1990 1st ex.s. c 16 s 231 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation--State	..... \$	129,000
General Fund Appropriation--Federal	..... \$	159,308,000
General Fund Appropriation--Local	..... \$	12,489,000
Administrative Contingency Fund		
Appropriation--Federal	..... \$	11,965,000
Unemployment Compensation Administration Fund		
Appropriation--Federal	..... \$	((118,169,000))
		<u>118,404,000</u>
Employment Service Administration Account		
Appropriation--Federal	..... \$	790,000
Employment Service Administration Account		
Appropriation--State	..... \$	6,823,000
Federal Interest Payment Fund Appropriation	..... \$	((2,100,000))
		<u>2,443,000</u>
TOTAL APPROPRIATION	..... \$	((311,773,000))
		<u>312,351,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$152,000 of the administrative contingency fund--federal appropriation and \$2,100,000 of the federal interest payment fund appropriation are provided solely for transfer through interagency agreement to the department of social and health services for family independence program employment services.

(2) The department shall provide job placement services for the department of natural resources' forest land management activities. These services shall include widely disseminating information on the availability of work on state forest lands and information on the procedures for bidding on contracts for such work. Priority for these services shall be given to unemployed individuals who have been employed in the timber industry. The department shall record the number of unemployed timber workers who obtain employment through the department of natural resources' forest land management activities and shall report its findings to the governor and to the appropriate legislative committees on January 1, 1990, and January 1, 1991.

(3) \$228,000 of the administrative contingency fund--federal appropriation is provided solely to implement Substitute House Bill No. 2426 (unemployment insurance overpayments). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$200,000 of the administrative contingency fund--federal appropriation is provided solely for services to agricultural employers.

(5) \$109,000 of the administrative contingency fund--federal appropriation is provided solely for resource centers for the handicapped.

(6) \$370,000 of the administrative contingency fund--federal appropriation is provided solely for a pilot program integrating drug prevention and job training.

(7) \$160,000 of the administrative contingency fund--federal appropriation is provided solely for a pilot program to retrain rural dislocated timber and wood product workers.

(8) Authority to expend funds for the general unemployment insurance development effort (GUIDE) system is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(9) \$235,000 of the unemployment compensation administration fund--federal appropriation is provided solely for payment of expenses in the administration of the state of Washington's unemployment compensation law and public employment offices from funds made available to this state under section 903 of the social security act, as amended, subject to the requirements of RCW 50.16.030. This amount shall not be spent for any other purpose.

Sec. 223. 1990 1st ex.s. c 16 s 232 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund Appropriation	\$	((9,367,000))
		9,867,000
Health Professions Account Appropriation	\$	1,541,000
State Toxics Control Account Appropriation	\$	1,048,000
Medical Test Site Licensure Account		
Appropriation	\$	244,000
TOTAL APPROPRIATION	\$	((12,200,000))
		12,700,000

The appropriations in this section shall be expended for the programs and in the amounts listed in this section. However, unless specifically prohibited under this section the department may transfer moneys among programs and among amounts provided under conditions and limitations listed in this section or transferred under chapter 9, Laws of 1989 1st ex. sess. after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from the conditions and limitations.

The appropriations in this section are subject to the following conditions and limitations:

(1) \$130,000 of the general fund appropriation is provided solely to implement the health professional temporary substitute resource pool as required by Second Substitute Senate Bill No. 6418 (rural health care). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(2) \$109,000 of the health professions account appropriation is provided to develop a program to certify sex offender treatment providers pursuant to chapter 3, Laws of 1990.

(3) \$2,576,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 6191 (emergency medical services and trauma care system). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$120,000 of the general fund appropriation is provided solely to fund the cancer reporting network pursuant to Second Substitute House Bill No. 2077 (state-wide tumor registry). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(5) \$48,000 of the general fund appropriation is provided solely for food transport regulations pursuant to Substitute Senate Bill No. 6164 (food transport regulations). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6) \$205,000 of the general fund appropriation is provided solely for a chief of health statistics, chief of consumer assistance, and a chief of epidemiology.

(7) \$113,000 of the state toxics control account appropriation is provided solely to implement the provisions of Substitute House Bill No. 2906 (contaminated property). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund appropriation is provided for the costs of the commission on health care cost control and access pursuant to House Concurrent Resolution No. 4443.

NEW SECTION. Sec. 224. 1990 1st ex.s. c 16 s 210 & 1989 1st ex.s. c 19 s 209 (uncodified) are each repealed.

NEW SECTION. Sec. 225. 1990 1st ex.s. c 16 s 203 (uncodified) is repealed.

"PART III

NATURAL RESOURCES"

Sec. 301. 1990 1st ex.s. c 16 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation--State	\$	((61,296,000))
		<u>61,534,300</u>
General Fund Appropriation--Federal	\$	27,024,000
General Fund Appropriation--Private/Local	\$	432,000
Flood Control Assistance Account Appropriation	\$	3,852,000
Special Grass Seed Burning Research Account		
Appropriation	\$	81,000
Reclamation Revolving Account Appropriation	\$	474,000
Emergency Water Project Revolving Account		
Appropriation: Appropriated pursuant to		
chapter 1, Laws of 1977 ex. sess.	\$	389,000
Litter Control Account Appropriation	\$	((6,830,000))
		<u>7,040,000</u>
State and Local Improvements Revolving Account--		
Waste Disposal Facilities: Appropriated		
pursuant to chapter 127, Laws of 1972		
ex. sess. (Referendum 26)	\$	2,627,000

State and Local Improvements Revolving Account-- Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	1,286,000
State and Local Improvements Revolving Account-- Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	1,586,000
Stream Gaging Basic Data Fund Appropriation	\$	300,000
Vehicle Tire Recycling Account Appropriation	\$	6,494,000
Water Quality Account Appropriation	\$	3,161,000
Wood Stove Education Account Appropriation	\$	482,000
Worker and Community Right-to-Know Fund Appropriation	\$	285,000
State Toxics Control Account	\$	39,202,000
Local Toxics Control Account	\$	41,328,000
Water Quality Permit Account Appropriation	\$	7,135,000
Solid Waste Management Account Appropriation	\$	5,600,000
Underground Storage Tank Account Appropriation	\$	3,658,000
Hazardous Waste Assistance Account Appropriation	\$	2,317,000
TOTAL APPROPRIATION	\$	(215,839,000) 216,287,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$344,000 of the general fund--state appropriation is provided solely for costs associated with the development of a single headquarters building.

(2) \$1,010,000 of the general fund--state appropriation is provided solely as an enhancement to the water resources program.

(3) \$250,000 of the general fund--state appropriation is provided solely for the initial development of a cost accounting system. Authority to expend these funds is conditioned on compliance with the requirements set forth in section 802 of this act.

(4) In administering the auto emissions inspection and maintenance program, the department shall annually ensure compliance with the intent of RCW 70.120.170(4)(a). The department may expend not more than an amount equal to the amount collected from auto emissions inspections fees during the biennium ending June 30, 1991.

(5) In implementing chapter 90.76 RCW, the department shall use, to the greatest extent possible, local government and private sector expertise in meeting installation, closure, testing, and monitoring requirements. In consultation with the Washington pollution insurance program administrator, the department shall implement interim enforcement procedures for chapter 90.76 RCW by December 1, 1990. The interim enforcement procedures shall be consistent with the intent of both chapters 90.76 and 70.148 RCW, and shall be designed to encourage participation in the insurance program.

(6) The entire solid waste management account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation and the amounts provided in subsections (7), (8), and (9) are null and void.

(7) \$1,000,000 of the solid waste management account appropriation is provided solely for assisting local governments in establishing the feasibility of food and yard waste composting.

(8) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.

(9) \$1,300,000 of the solid waste management account appropriation is provided solely to implement sections 6(2), 9, 13, 54, 96, 99, 102, and 104 of chapter 431, Laws of 1989 (Engrossed Substitute House Bill No. 1671).

(10) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

(11) \$200,000 of the general fund--state appropriation is provided solely for the purpose of implementing the Nisqually river management plan activities and projects outlined in the Nisqually river council report to the legislature dated December 1988. No more than half of this amount may be spent until twenty percent of the total project costs have been provided as matching funds from private or other government participants represented on the Nisqually river council.

(12) \$2,654,000 of the state toxics control account appropriation is contingent on enactment of Engrossed House Bill No. 2168. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(13) \$389,000 of the emergency water project revolving account appropriation is provided solely for drought relief activities. If Substitute Senate Bill No. 5196 is enacted by June 30, 1989, \$321,000 of the amount provided in this subsection may be spent only if a drought order is issued pursuant to section 2, chapter 171, Laws of 1989 (Substitute Senate Bill No. 5196).

(14) \$427,000 of the state and local improvement revolving account--water supply facilities (Referendum 38) appropriation is provided solely for the implementation of Substitute House Bill No. 1397. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(15) \$250,000 of the general fund--state appropriation is provided solely for oil and chemical spill activities in implementing legislative requirements regarding damage assessments and vessel financial responsibility.

(16) \$70,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan).

(17) \$200,000 of the general fund--state appropriation is provided solely for the implementation of chapter 47, Laws of 1988.

(18) A maximum of \$750,000 of the state toxics control account appropriation may be spent for the cleanup of illegal drug labs.

(19) A portion of the state toxics control account appropriation is provided to complete the state hazardous waste planning effort as prescribed in chapter 70.105 RCW. This includes, but is not limited to, evaluation of existing standards, compliance and service, and evaluation of whether facilities are needed.

~~((21))~~ (20) The entire hazardous waste assistance account appropriation is provided solely to implement chapter 114, Laws of 1990 (Engrossed House Bill No. 2390, hazardous substances regulations).

~~((22))~~ (21) \$300,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2932 (water resource management). If the bill is not enacted by June 30, 1990, the hazardous waste assistance account appropriation shall lapse.

~~((23))~~ (22) \$7,000,000 of the state toxics control account appropriation is provided solely for the following three purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the costs of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

Of the amount provided in this subsection, \$1,500,000 is provided solely for the cleanup of hazardous waste sites resulting from leaking underground storage tanks.

((24)) (23) \$200,000 of the water quality account appropriation is provided solely for implementation of Substitute Senate Bill No. 6326 (Puget Sound water quality/shellfish production).

((26)) (24) \$250,000 of the wood stove education account appropriation is provided solely for the purpose of implementing chapter 128, Laws of 1990 (Substitute Senate Bill No. 6698, wood stove fee). Beginning July 1, 1990, and each calendar quarter thereafter for the biennium ending June 30, 1991, a portion of the amount provided in this subsection shall be distributed to the activated air pollution authorities created under RCW 70.94.053. The distribution shall be based on a fraction. The numerator of the fraction shall be the population residing within each authority's jurisdiction. The denominator of the fraction shall be total state population. Population figures used to calculate this fraction shall be as determined by the office of financial management. Sixty-six percent of the fees collected under RCW 70.94.483 shall be multiplied by the fraction to determine the quarterly distribution to each activated air authority. In cases where an activated air authority does not exist, the department shall retain the amount which otherwise would be distributed to an authority. Moneys distributed to authorities and retained by the department may only be used for education and enforcement of the wood stove education program established under RCW 70.94.480.

((27)) (25) \$996,000 of the state toxics control account appropriation is provided solely for the implementation of chapter 116, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 2494, oil/hazardous substance spills).

((28)) (26) \$268,000 of the state toxics control account appropriation is provided solely to identify and study water quality and public health concerns of the lower Columbia river, from its mouth to Bonneville Dam. Expenditure of this amount is contingent on the signing of an agreement by the department of ecology and the Oregon department of environmental quality. The agreement shall include, at a minimum, the following:

(a) A steering committee consisting of one representative from each state of at least the following: Local government, public ports, industry, environmental groups, Indian tribes, citizens-at-large, and commercial or recreational fishing interests. The steering committee shall also include one representative from the federal environmental protection agency;

(b) A process to incorporate public participation;

(c) A provision to report to the appropriate legislative standing committees on the status of the study on or before December 15 of each year; and

(d) A provision to make recommendations, by December 15, 1990, regarding the creation of an interstate policy body to develop and implement a plan to address water quality, public health, and habitat concerns of the lower Columbia river.

((29)) (27) \$29,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929 (growth management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 302. 1990 1st ex.s. c 16 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation--State	\$	41,332,000
General Fund Appropriation--Federal	\$	1,208,000
General Fund Appropriation--Private/Local	\$	822,000
Trust Land Purchase Account Appropriation	\$	((11,082,000))
		<u>11,696,000</u>

Winter Recreation Parking Account

Appropriation	\$	348,000
ORV (Off-Road Vehicle) Account Appropriation	\$	173,000

Snowmobile Account Appropriation	\$	1,143,000
Public Safety and Education Account		
Appropriation	\$	10,000
Motor Vehicle Fund Appropriation	\$	1,100,000
TOTAL APPROPRIATION	\$	((57,218,000))
		<u>57,832,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$60,000 of the general fund--state appropriation is provided solely for a contract with the marine science center at Fort Worden state park.

(2) \$1,100,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5372 (recreational boating).

(3) \$200,000 of the general fund--state appropriation is provided solely to meet the state parks and recreation commission responsibilities under the Suquamish Indian tribe and Point-No-Point treaty council shellfish management agreements.

(4) The commission shall prepare an updated plan for Fort Worden management and development. In updating the plan the commission shall: (a) Reevaluate the goals and objectives of the park, (b) examine current functions of the park including camping, day use, recreation activities, vacation housing, the conference center, and cultural arts programs, (c) determine how to provide reasonable opportunities for use of existing park facilities for all members of the public, and (d) propose alternatives to the current management approach. The commission shall submit the results to the appropriate committees of the legislature by October 1, 1990.

(5) \$614,000 of the trust land purchase account appropriation is provided solely to repair storm damage to state parks.

Sec. 303. 1990 1st ex.s. c 16 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation--State	\$	((46,192,500))
		<u>50,754,500</u>
General Fund Appropriation--Federal	\$	((639,000))
		<u>929,000</u>
General Fund Appropriation--Private/Local	\$	((12,000))
		<u>54,000</u>
ORV (Off-Road Vehicle) Account		
Appropriation--Federal	\$	3,266,000
Geothermal Account Appropriation--Federal	\$	16,000
Forest Development Account Appropriation	\$	((23,517,000))
		<u>25,773,000</u>
Survey and Maps Account Appropriation	\$	1,090,000
Natural Resources Conservation Area Stewardship		
Account Appropriation	\$	364,000
Aquatic Lands Enhancement Account		
Appropriation	\$	635,000
Landowner Contingency Forest Fire Suppression		
Account Appropriation	\$	2,119,000
Resource Management Cost Account		
Appropriation	\$	((69,577,000))
		<u>68,053,000</u>
Aquatic Land Dredged Material Disposal Site		
Account Appropriation	\$	536,000
State Toxics Control Account Appropriation	\$	399,000
TOTAL APPROPRIATION	\$	((148,362,500))
		<u>153,988,500</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$~~(4,654,000)~~ 9,080,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,297,000, of which \$372,000 is from the general fund--state appropriation, \$1,448,000 is from the resource management cost account appropriation, and \$477,000 is from the forest development account appropriation, is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 802 of this act. For the purposes of this section, information systems projects shall mean the projects known by the following name or successor names: Department of natural resources revenue system.

(3) \$110,000 from the general fund--state appropriation is provided solely for a fire investigator.

(4) \$1,500,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(5) \$400,000 of the aquatic lands enhancement account appropriation is provided solely for conducting an inventory of state wetlands.

(6) \$122,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural area preserves.

(7) \$242,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural resources conservation areas.

(8) No portion of these appropriations may be expended for spreading sludge on state trust lands without first completing an environmental impact statement with respect to the sludge spreading operations. \$75,000 of the resource management cost account appropriation is provided solely for the costs of the environmental impact statement performed pursuant to this subsection.

(9) The department shall contract for labor-intensive forest land management activities in areas of the state adversely impacted by reductions in timber sales from federal lands. Contracts provided for under this section shall be in addition to and shall not supplant or displace activities normally administered by the department. The department shall, to the extent feasible, offer the additional contracts in sizes that do not discourage participation by small enterprises. The department shall cooperate with the employment security department in disseminating information on forest land management contracts to unemployed individuals who have been employed in the timber industry, and others adversely affected by reductions in timber sales from federal lands. \$2,800,000 of the resource management cost account appropriation is provided solely for this purpose.

(10) \$125,000 of the general fund--state appropriation is provided solely to implement Engrossed Senate Bill No. 5364 or Engrossed House Bill No. 1249 (marine debris).

(11) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund--state appropriation or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

(12) The department of natural resources, in cooperation with the United States forest service, other federal agencies, private timber landowners, and the University of Washington, shall conduct a timber and timber land inventory to provide the information

needed to prepare an assessment of the timber supply in Washington state. The inventory shall be prepared in such a way that it may be updated periodically. The inventory shall include all state, private, county, federal, and commercial forest lands and shall include estimates on the acreage and volumes of timber withdrawn from harvest from lands such as parks, watersheds, and similar lands reserved for nontimber producing activities. \$1,000,000, of which \$750,000 is from the general fund--state appropriation, \$75,000 is from the forest development account appropriation, and \$175,000 is from the resource management cost account appropriation, are provided solely for the purposes of this subsection.

(13) \$163,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for a timber supply study. The study shall identify the quantity of timber present now and quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(14) \$1,351,000, of which \$608,000 is from the general fund--state appropriation, \$324,000 is from the forest development account appropriation, and \$419,000 is from the resource management cost account appropriation, is provided solely for costs related to forestry camp No. 1.

(15) \$6,500 of the general fund--state appropriation is provided solely to provide additional resources to subsidize amateur radio repeaters on trust lands.

(16) The department of natural resources shall sell approximately 800 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, but not less than \$833,000. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the permanent dedication of the land for public recreational uses, which may include fairgrounds.

(17) \$136,000 of the general fund--state appropriation is provided solely to implement forest practices reviews required under the state environmental policy act and the federal threatened and endangered species act.

Sec. 304. 1990 1st ex.s. c 16 s 311 (uncodified) is amended to read as follows:
FOR TIMBER LAND PURCHASES AND COMMON SCHOOL CONSTRUCTION
General Fund Appropriation \$ 100,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,000,000 of this appropriation is provided to the state parks and recreation commission solely to acquire common school trust lands that have been identified in the commission's 1989 agreement with the department of natural resources as appropriate for state park use.

(2) The remainder of the appropriation shall be deposited in the school construction revolving fund, hereby created in the custody of the state treasurer. Funds shall be expended, without further appropriation, by the department of natural resources to acquire, in fee simple, common school trust lands lying west of the crest of the Cascade mountain range. Timber on these lands shall be commercially unsuitable for harvest due to economic considerations, good forest practices, or other interests of the state.

(3) Lands and timber purchased under this section shall be appraised and ~~((purchased))~~ acquired at fair market value. For purposes of this appropriation, notwithstanding RCW 43.51.270, as to moneys addressed in subsection (1) of this section, the proceeds from the ~~((sale))~~ transfer of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deduction shall be made for the resource management cost account under RCW 79.64.040. The proceeds from the ~~((sale))~~ transfer of the land under subsection (2) of this

section shall be used by the department, without further appropriation, to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

(4) The department shall attempt to maintain an aggregate ratio of 92:8 timber-to-land value in these transactions.

(5) Intergrant transfers, between common school and noncommon school trust lands of equal value, may occur, if the noncommon school trust land meets the criteria established by the department for selection of sites and if the exchange is in the interest of both trusts.

(6) Lands and timber purchased under subsection (2) of this section shall be managed under chapter 79.70 or 79.71 RCW as determined by the department of natural resources.

"PART V
EDUCATION"

Sec. 501. 1990 1st ex.s. c 16 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ ((~~4,340,690,000~~))
4,355,345,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$((~~419,407,000~~)) 419,450,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Allocations for certificated staff salaries for the 1989-90 and 1990-91 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (e) and (f) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (e) and (f) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 510 of this act;

(ii) Fifty-one certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve, excluding full time equivalent handicapped students ages nine and above;

(b) For the 1990-91 school year, an additional 1.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight;

(c) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(d)(i) On the basis of full time equivalent enrollment in vocational education programs approved by the superintendent of public instruction, other than skills center programs, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 17.5 full time equivalent vocational students in the 1989-90 school year and for each 17.075 full time equivalent students in the 1990-91 school year;

(ii) For skills center programs the allocation ratios shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(e) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(f) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(g) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(h) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students,

operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(i) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1989-90 and 1990-91 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (e) through (i) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.80 percent in the 1989-90 school year and 19.85 percent in the 1990-91 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.32 percent in the 1989-90 school year and 17.37 percent in the 1990-91 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), (c), and (e) through (i) of this section, there shall be provided a maximum of \$6,355 per certificated staff unit in the 1989-90 school year and a maximum of \$6,654 per certificated staff unit in the 1990-91 school year.

(b) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2)(d) of this section, there shall be provided a maximum of \$12,110 per certificated staff unit in the 1989-90 school year and a maximum of \$12,679 per certificated staff unit in the 1990-91 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$290 per year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1987-88 school year.

(8) The superintendent may distribute a maximum of ~~\$(9,925,000)~~ 9,829,000 outside the basic education formula during fiscal years 1990 and 1991 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of ~~\$(358,000)~~ 350,000 may be expended in fiscal year 1990 and a maximum of \$375,000 in fiscal year 1991.

(b) For summer vocational programs at skills centers, a maximum of \$1,321,000 may be expended in fiscal year 1990 and a maximum of \$1,599,000 may be expended in fiscal year 1991.

(c) A maximum of \$(~~272,000~~) 184,000 may be expended for school district emergencies.

(d) A maximum of \$6,000,000 is provided solely for the purchase of new and replacement vocational education equipment for use primarily in approved vocational-secondary and skill center programs. These moneys shall be allocated to school districts during the 1989-90 school year on the basis of full time equivalent enrollment in vocational programs.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 6.07 percent from the 1988-89 school year to the 1989-90 school year, and (~~7.0~~) 8.0 percent from the 1989-90 school year to the 1990-91 school year.

(10)(a) The superintendent of public instruction shall revise personnel reporting systems to include information on grade level assignments of basic education certificated instructional staff, by grade level groupings of K-3, 4-6, and 7-12. The superintendent of public instruction shall collect such information from school districts beginning in the 1989-90 school year. School districts may submit supplemental information on changes in staffing levels after the initial personnel report for each school year. Staffing ratios calculated under this subsection may recognize additional staff reported, prorated by the number of months of employment during the academic year.

(b) For each school year, the funding provided under subsection (2)(a) of this section shall be based on a ratio of fifty-one certificated instructional staff per thousand students in kindergarten through grade three only if the district documents an actual ratio of at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students at those grade levels. For any school district documenting a lower ratio, the funding provided under this section shall be based on the district's actual K-3 ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.41.140(2)(c), if greater.

(c) School districts that had a ratio of fifty-one basic education certificated instructional staff per thousand students in kindergarten through grade three in the 1988-89 school year shall expend additional funding generated by the increase in staffing ratios provided in this section solely to improve staffing ratios in kindergarten through grade twelve.

(11) School districts shall use allocations for salaries and benefits generated under subsection (2)(b) of this section only to increase the district's ratio of basic education certificated instructional staff per thousand full time equivalent students in grades K-3 above fifty-one per thousand, or to employ classified instructional assistants assigned to K-3 basic education classrooms. However, a district that has achieved a ratio of fifty-three basic education certificated instructional staff per thousand full time equivalent students in grades K-3 may also use the allocation to employ additional basic education certificated instructional staff or classified instructional assistants in any grades K-12. School districts shall document to the superintendent of public instruction how the allocation was used and shall submit documentation on the number of classified instructional assistants employed in grades K-3 in the 1989-90 and 1990-91 school years. If a district uses moneys provided under subsection (2)(b) of this section for K-3 certificated instructional staff, these staff shall be excluded when determining the district's actual K-3 staffing ratio under subsection (10) of this section. A district shall be ineligible to receive allocations under subsection (2)(b) of this section unless the district documents to the superintendent of public instruction that its actual K-3 ratio under subsection (10) of this section for the 1990-91 school year is at least fifty-one full time

basic education certificated instructional staff per thousand full time equivalent students. Districts may not use allocations provided under this subsection to supplant other moneys previously used to employ K-3 certificated instructional staff or K-3 classified instructional assistants. The superintendent of public instruction shall recover funding allocated under subsection (2)(b) of this section if the district does not submit documentation showing that the funding was used for the purposes specified.

(12) The additional moneys allocated due to the increase in the vocational-secondary staff ratio provided in subsection (2)(d) of this section shall be expended solely for expanded vocational-secondary programs approved by the superintendent of public instruction. Funds provided may be expended for extended day contracts. The percentage rate of indirect charges to vocational-secondary programs, in total, shall not exceed the state-wide average percentage rates of indirect charges in all other state-funded categorical programs.

Sec. 502. 1990 1st ex.s. c 16 s 504 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION
EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ ((221,451,000))
222,564,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12 by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1.

(b) Salary allocations for certificated administrative staff units and classified staff units shall be determined for each district by the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.

(2)(a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, "basic education certificated instructional staff" is defined as provided in RCW 28A.41.110.

(c) "LEAP Document 1" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) "LEAP Document 1R" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed on March 29, 1990, at 11:00 hours.

(e) "LEAP Document 12" means the computerized tabulation of 1988-89 salary allocations for basic education certificated administrative staff and basic education classified staff and 1988-89 derived base salaries for basic education certificated instructional staff as developed on April 20, 1989, at 14:15 hours.

(f) The incremental fringe benefits factors applied to salary increases in this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90

school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(3) ~~\$(7,517,000))~~ 7,527,000 is provided solely to increase allocations for certificated administrative staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each certificated administrative staff unit shall be increased by 2.5 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(4) ~~\$(30,396,000))~~ 30,426,000 is provided solely to increase allocations for classified staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each classified staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for each classified staff unit shall be further increased by an additional 4.16 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) ~~\$(183,538,000))~~ 184,611,000 is provided solely to increase allocations for certificated instructional staff units provided under section 502 of this act, pursuant to this subsection:

(a) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1989-90 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (6) of this section, adjusted for incremental fringe benefits.

(b) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by 4.0 percent of the district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits.

(c) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1990-91 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (7) of this section, adjusted for incremental fringe benefits.

(d) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section multiplied by the compounded increase provided in this subsection, adjusted for incremental fringe benefits. The compounded increase for each district shall be 7.12 percent, compounded by the percentage difference between the district's average staff mix factor for actual 1990-91 full time equivalent basic education

certificated instructional employees computed using LEAP Document 1R and such factor for the same 1990-91 employees computed using LEAP Document 1.

(6)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1989-90 school year:

**1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA	BA+15	BA+30	BA+45
0	18,304	18,798	19,311	19,823
1	18,981	19,494	20,025	20,574
2	19,677	20,208	20,757	21,361
3	20,409	20,958	21,526	22,166
4	21,159	21,745	22,331	23,008
5	21,946	22,551	23,155	23,887
6	22,770	23,374	24,015	24,802
7	23,612	24,234	24,893	25,735
8	24,472	25,131	25,809	26,724
9		26,065	26,779	27,731
10			27,767	28,792
11				29,890
12				
13				
14 or more				

**1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	21,471	22,532	21,471	22,770	23,887
1	22,276	23,356	22,276	23,612	24,765
2	23,100	24,216	23,100	24,491	25,681
3	23,942	25,113	23,942	25,388	26,632
4	24,839	26,047	24,839	26,321	27,621
5	25,754	27,017	25,754	27,310	28,627
6	26,706	28,005	26,706	28,316	29,689
7	27,694	29,048	27,694	29,360	30,787
8	28,719	30,128	28,719	30,440	31,940
9	29,781	31,245	29,781	31,574	33,112
10	30,879	32,398	30,879	32,746	34,338
11	32,032	33,588	32,032	33,954	35,601
12	33,222	34,833	33,222	35,217	36,919
13	34,448	36,114	34,448	36,516	38,292
14 or more		37,450	35,711	37,871	39,701

(b) As used in this subsection, "+(N)" means the number of credits earned since receiving the highest degree.

(7)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1990-91 school year:

**1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA	BA+15	BA+30	BA+45
0	20,001	20,541	21,101	21,661
1	20,656	21,214	21,792	22,389
2	21,325	21,900	22,495	23,150
3	22,027	22,620	23,232	23,923
4	22,742	23,372	24,001	24,729
5	23,490	24,136	24,783	25,566
6	24,269	24,913	25,596	26,435
7	25,061	25,721	26,421	27,314
8	25,864	26,561	27,277	28,244
9		27,431	28,182	29,184
10			29,098	30,172
11				31,189
12				32,174
13				
14				
15 or more				

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	23,461	24,621	23,980	25,780	26,940
1	24,242	25,417	24,708	26,561	27,736
2	25,034	26,245	25,469	27,353	28,563
3	25,840	27,104	26,242	28,159	29,423
4	26,696	27,995	27,048	29,015	30,314
5	27,565	28,916	27,885	29,884	31,235
6	28,464	29,849	28,754	30,783	32,168
7	29,393	30,831	29,633	31,712	33,150
8	30,352	31,842	30,563	32,671	34,161
9	31,341	32,882	31,502	33,660	35,201
10	32,358	33,950	32,491	34,677	36,269
11	33,423	35,047	33,508	35,742	37,366
12	34,516	36,189	34,566	36,835	38,508
13	35,636	37,359	35,659	37,955	39,678
14	36,762	38,573	36,786	39,154	40,892
15 or more	37,718	39,576	37,742	40,172	41,955

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.71.110.

(9) The salary allocation schedules established in subsections (6) and (7) of this section are for allocation purposes only. However, it is the legislature's intent to respond to salary needs of many senior teachers who have not been receiving salary increments on either state or local salary schedules. The legislature and the public recognize the need to provide salary growth for these senior teachers in order to encourage them to continue teaching. School districts should target moneys generated by the additional seniority steps provided for state salary funding in the 1990-91 school year to senior certification instructional staff. By December 1, 1990, each school district shall submit to the superintendent of public instruction a statement signed by the district's board of directors explaining how the moneys generated by the additional seniority steps were used and whether these moneys were targeted to senior staff.

Sec. 503. 1990 1st ex.s. c 16 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ ~~((45,361,000))~~
45,791,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(2) A maximum of \$~~((15,010,000))~~ 15,190,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$16.04 per pupil for the 1989-90 school year and by \$48.08 per pupil for the 1990-91 school year.

(b) Learning assistance: The rates specified in section 521 of this act shall be increased by \$12.91 per pupil for the 1989-90 school year and by \$26.34 per pupil for the 1990-91 school year.

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$9.50 per pupil for the 1989-90 school year and by \$28.49 per pupil for the 1990-91 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$86.33 per full time equivalent student for the 1989-90 school year, and by \$240.15 per full time equivalent student for the 1990-91 school year.

(e) Pupil transportation: The rates provided under section 507 of this act shall be increased by \$0.66 per weighted pupil-mile for the 1989-90 school year, and by \$1.35 per weighted pupil-mile for the 1990-91 school year.

(3) A maximum of \$~~((30,351,000))~~ 30,602,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 510, and for state-supported staff in institutional education programs, section 515, and in educational service districts, section 512. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the

percentage salary increases provided for basic education staff under section 503 of this act.

(4) While this section and section 509 of this act do not provide specific allocations for salary increases for school food services employees, nothing in this act is intended to preclude or discourage school districts from granting increases that are equivalent to those provided for other classified staff.

Sec. 504. 1990 1st ex. s. c 16 s 506 (uncodified) is amended to read as follows:
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL
 EMPLOYEE INSURANCE BENEFIT INCREASES**

General Fund Appropriation \$ ~~((25,695,000))~~
25,723,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$224.75 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b).

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff to a rate of \$239.86 per month, effective October 1, 1989, and to a rate of \$246.24 per month, effective September 1, 1990, as distributed pursuant to this section.

(3) A maximum of \$~~((20,465,000))~~ 20,468,000 may be expended to increase general fund allocations for insurance benefits for basic education staff units under section 502(5) of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(4) A maximum of \$~~((2,843,000))~~ 2,851,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 510 of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(5) A maximum of \$~~((130,000))~~ 132,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(6) A maximum of \$~~((2,257,000))~~ 2,272,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing annual state funding rates by the amounts specified in this subsection. For the 1989-90 school year, due to the October implementation, school districts shall receive eleven-twelfths of the annual rate increases specified effective October 1989. On an annual basis, the maximum rate adjustments provided under this section are:

(a) For pupil transportation, an increase of \$0.14 per weighted pupil-mile effective October 1, 1989, and an additional increase of \$0.06 per weighted pupil-mile effective September 1, 1990;

(b) For learning assistance, an increase of \$3.78 per pupil effective October 1, 1989, and an additional increase of \$1.59 per pupil effective September 1, 1990;

(c) For education of highly capable students, an increase of \$1.29 per pupil effective October 1, 1989, and an additional increase of \$0.54 per pupil effective September 1, 1990;

(d) For transitional bilingual education, an increase of \$2.44 per pupil effective October 1, 1989, and an additional increase of \$1.03 per pupil effective September 1, 1990;

(e) For vocational-technical institutes, an increase of \$10.05 per full time equivalent pupil effective October 1, 1989, and an additional increase of \$4.25 per full time equivalent pupil effective September 1, 1990.

(7) If Substitute House Bill No. 2230 (school employee benefit plans) is not enacted by June 30, 1990, increases under this section to be effective September 1, 1990, shall not be implemented and \$4,284,000 of the appropriation in this section shall lapse.

Sec. 505. 1989 1st ex.s. c 19 s 506 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--RETIREMENT CONTRIBUTIONS

General Fund Appropriation	\$	((33,141,000))
		<u>34,921,000</u>

The appropriation in this section is subject to the following conditions and limitations:

~~((1) \$13,056,000 for the teachers' retirement system and \$2,147,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.~~

~~(2) \$14,587,000 for the teachers' retirement system and \$3,351,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.))~~ The appropriation in this section is for distribution to local districts to increase state retirement system contributions resulting from Engrossed Substitute House Bill No. 1322 (chapter 272, Laws of 1989) and Substitute Senate Bill No. 5418 (chapter 273, Laws of 1989).

Sec. 506. 1990 1st ex.s. c 16 s 507 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation	\$	((252,938,000))
		<u>253,500,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$22,695,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) A maximum of \$~~((112,197,000))~~ 112,113,000 may be distributed for pupil transportation operating costs in the 1989-90 school year.

(3) A maximum of \$857,000 may be expended for regional transportation coordinators.

(4) A maximum of \$64,000 may be expended for bus driver training.

(5) For eligible school districts, the small fleet maintenance factor shall be funded at a rate of \$1.53 per weighted pupil-mile in the 1989-90 school year and \$1.60 per weighted pupil-mile in the 1990-91 school year.

Sec. 507. 1990 1st ex.s. c 16 s 509 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation--State	\$	((528,627,000))
		<u>530,403,000</u>
General Fund Appropriation--Federal	\$	59,000,000
TOTAL APPROPRIATION	\$	((587,627,000))
		<u>589,403,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$~~((48,101,000))~~ 48,122,000 of the general fund--state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1989-90 and 1990-91 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on March 25, 1989, at 13:45 hours.

(3) A maximum of \$527,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$272,000 of the general fund--state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families. \$80,000 of the amount provided in this subsection is a one-time grant to replace lost federal support and maintain program continuity until other nonstate resources to support existing service levels can be identified.

(5) \$150,000 of the general fund--state appropriation is provided solely for development and implementation of a process for school districts to bill medical assistance for eligible services included in handicapped education programs, pursuant to Substitute House Bill No. 2014. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$50,000 of the amount provided in this subsection is solely for interagency reimbursement for administrative and planning costs of the department of social and health services. \$100,000 of the amount provided in this subsection is solely for contracts with educational service districts for development and implementation of billing systems.

(6) A maximum of \$1,500,000 of the general fund--state appropriation may be granted to school districts for pilot programs for prevention of learning problems established under section 13 of Engrossed Substitute House Bill No. 1444. A district's grant for a school year under this subsection shall not exceed:

(a) The total of state allocations for general apportionment and handicapped education programs that the district would have received for that school year with specific learning disabled enrollment at the prior school year's level; minus

(b) The total of the district's actual state allocations for general apportionment and handicapped education programs for that school year.

Sec. 508. 1989 1st ex.s. c 19 s 511 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY
EDUCATION PROGRAMS

Public Safety and Education Account
Appropriation \$ ((14,067,000))
14,095,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$596,000 may be expended for regional traffic safety education coordinators.

Sec. 509. 1990 1st ex.s. c 16 s 510 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT
ASSISTANCE

General Fund Appropriation \$ ((95,844,000))
97,391,000

The appropriation in this section is subject to the following conditions and limitations: \$((95,844,000)) 97,391,000 is provided for state matching funds pursuant to RCW 28A.41.155.

Sec. 510. 1990 1st ex.s. c 16 s 511 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL
EDUCATION PROGRAMS

General Fund Appropriation--State \$ ((21,939,000))
22,228,000

General Fund Appropriation--Federal	\$	8,006,000
TOTAL APPROPRIATION	\$	((29,945,000))
		<u>30,234,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,817,000 of the general fund--state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) \$11,374,000 of the general fund--state appropriation is provided solely for the 1989-90 school year, distributed as follows:

(a) \$3,377,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$11,144 per full time equivalent student.

(b) \$3,883,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$6,750 per full time equivalent student.

(c) \$444,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,344 per full time equivalent student.

(d) \$821,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$2,032 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 502 of this act.

(e) \$2,849,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,976 per full time equivalent student.

~~((3) Distribution of state funding for the 1990-91 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1991:~~

~~(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$11,128 per full time equivalent student and a total allocation of no more than \$2,960,000 for that school year.~~

~~(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$6,761 per full time equivalent student and a total allocation of no more than \$3,712,000 for that school year.~~

~~(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$5,489 per full time equivalent student and a total allocation of no more than \$445,000 for that school year.~~

~~(d)) (3) State funding for juvenile parole learning center programs for the 1990-91 school year may be distributed at a maximum rate averaged over all of these programs of \$2,021 per full time equivalent student and a total allocation of no more than \$((816,000 for that school year)) 841,000, excluding funds provided through the basic education formula established in section 502 of this act.~~

~~((e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,987 per full time equivalent student and a total allocation of no more than \$2,125,000 for that school year.)~~

(4) \$167,000 of the general fund--state appropriation is provided solely to maintain the increased teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(5) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsection((6)) (2) (~~and (3)~~) of this section if the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

(6) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(7) The superintendent of public instruction shall conduct a study of institutional education programs, addressing the division of administrative and budgetary responsibilities between the school districts, the department of social and health services, and, in the case of county detention centers, the juvenile court administrators. The superintendent shall consult with the department of social and health services and the institutions in designing and conducting the study, and in developing recommendations. The study shall include recommendations on methods to improve communication, decision making, and cooperation among school district and institutional staff, as well as coordination of programs and responsiveness to student needs. The superintendent shall submit a report of the study to the legislature prior to December 1, 1990, including recommendations for legislative action and changes in administrative practices.

Sec. 511. 1990 1st ex.s. c 16 s 512 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ ~~((7,115,000))~~
7,059,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$((532,000))~~ 479,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) Allocations for school district programs for highly capable students during the 1989-90 school year shall be distributed at a maximum rate of \$364 per student for up to one percent of each district's full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students during the 1990-91 school year shall be distributed at a maximum rate of \$364 per student for up to one and one-half percent of each district's full time equivalent enrollment.

(4) A maximum of \$356,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 512. 1990 1st ex.s. c 16 s 515 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ ~~((17,035,000))~~
18,753,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$((1,521,000))~~ 1,518,000 is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent shall distribute funds for the 1989-90 and 1990-91 school years at a rate for each year of \$452 per eligible student.

Sec. 513. 1990 1st ex.s. c 16 s 516 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ ~~((71,839,000))~~
71,471,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(5,847,000))~~ 5,533,000 is provided solely for the remaining months of the 1988-89 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1989-90 and 1990-91 school years at a maximum rate of \$389 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund Appropriation \$ 50,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation, or as much thereof as may be necessary, is provided solely for strike observers and monitors retained by the superintendent of public instruction in the event of strikes or work stoppages in school districts. If no strikes occur or if the superintendent of public instruction is not required to retain strike observers, the amount provided in this section shall lapse.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation \$ 22,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a Northshore school district pilot program for teenage suicide prevention.

**"PART VI
HIGHER EDUCATION"**

Sec. 601. 1989 1st ex.s. c 19 s 616 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ ~~((1,095,000))~~
1,136,500

The appropriation in this section is subject to the following conditions and limitations: \$241,000 of the general fund appropriation is provided solely for planning and implementation of the maritime voyages exhibition.

**"PART VII
SPECIAL APPROPRIATIONS"**

Sec. 701. 1990 1st ex.s. c 16 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance
premiums tax distribution \$ ~~((4,300,000))~~
4,327,200

General Fund Appropriation for public utility district excise tax distribution	\$	23,700,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	2,277,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	70,000,000
General Fund Appropriation for local mass transit assistance	\$	((215,000,000))
		<u>229,017,450</u>
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	2,200,000
General Fund Appropriation for Boating Safety/ Education and Law Enforcement Distribution	\$	((1,100,000))
		<u>350,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	((90,000))
		<u>80,000</u>
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	((19,900,000))
		<u>19,852,520</u>
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	((316,000,000))
		<u>320,973,531</u>
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	48,750,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	((96,200,000))
		<u>96,101,700</u>
Municipal Sales and Use Tax Equalization Account Appropriation	\$	((37,200,000))
		<u>36,900,989</u>
County Sales and Use Tax Equalization Account Appropriation	\$	((12,800,000))
		<u>12,924,165</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$	((736,000))
		<u>836,000</u>
TOTAL APPROPRIATION	\$	((850,253,000))
		<u>868,290,555</u>

Sec. 702. 1989 1st ex.s. c 19 s 704 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account Appropriation	\$	29,443,500
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,171,600
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	273,700
Higher Education Bond Retirement Fund 1979		

Appropriation	\$	2,556,600
State General Obligation Bond Retirement Fund 1979		
Appropriation	\$	(9,249,000)
		<u>4,423,000</u>
Spokane River Toll Bridge Revolving Account		
Appropriation	\$	882,100
TOTAL APPROPRIATION	\$	((43,576,500))
		<u>38,750,000</u>

Sec. 703. 1989 1st ex.s. c 19 s 708 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--EMERGENCY FUND

General Fund Appropriation	\$	((2,000,000))
		<u>2,200,000</u>

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION. Sec. 704. A new section is added to chapter 16, Laws of 1990 1st ex.s. (uncodified) to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, entities, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

- (1) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Wildlife Fund:
 - (a) John Clees, claim number SCG-90-03 \$ 7,500.00
 - (b) Joseph Lenton, Jr., claim number
SCG-90-05 \$ 630.00
 - (c) Ralph Greenwood, claim number
SCG-90-07 \$ 9,900.00
- (2) Reimbursement and settlement of all claims under RCW 9A.16.110 for loss of time, legal fees, or other expenses, including interest, in the defense of a criminal prosecution:
 - (a) John B. Olson, claim number
SCJ-90-07 \$ 77,223.00
 - (b) Roy Simons, claim number
SCJ-90-08 \$ 3,371.00
 - (c) Ted Hosey, claim number
SCJ-90-06 \$ 4,861.00
 - (d) Lawrence Jones, claim number
SCJ-90-13 \$ 3,327.00
 - (e) Jeffrey Strom, claim number
SCJ-90-05 \$ 5,818.00
 - (f) Antony Katoe, claim number
SCJ-90-08 \$ 20,581.00
 - (g) Connie Roseman, claim number
SCJ-90-11 \$ 4,356.00
 - (h) Wesley Grow, claim number
SCJ-90-16 \$ 3,446.00
 - (i) Greg Heil, claim number
SCJ-90-18 \$ 3,375.00
 - (j) Larry E. Miller, claim number
SCJ-91-4 \$ 8,236.00
 - (k) Jim Jones, claim number

	SCJ-91-5	\$	1,550.00
(l)	Charles Terrill, claim number SCJ-91-6	\$	3,514.50
(m)	Brian Davis, claim number SCJ-91-1	\$	2,421.91
(n)	Robert Henry, Kevin Ryan, and Ronnie Ryan, claim number SCJ-91-3	\$	19,515.75
(o)	Thea Veath, claim number SCJ-91-7	\$	5,582.26
(p)	Valerie Valdez, claim number SCJ-90-21	\$	4,194.94
(q)	Francis W. Rock, claim number SCJ-91-9	\$	2,394.74
(r)	Curtiss B. Fiechtner, claim number SCJ-91-8	\$	4,951.35
(s)	Michael A. Bognucci, claim number SCJ-91-2	\$	1,797.58
(t)	Gary & Beryle Murray, claim number SCJ-91-11	\$	7,092.50
(3)	Department of Corrections, for reimbursement of political subdivisions of criminal justice expenses incurred in the 1987-89 fiscal biennium, pursuant to RCW 72.72.030	\$	36,210.37
(4)	City of Seattle, in settlement of all claims relating to claim number SCO-89-12, including interest	\$	20,876.05
(5)	City of Yakima, in settlement of all claims relating to claim number SCO-89- 12, including interest	\$	8,100.00
(6)	Employment Security Department, for payment in lieu of contributions with respect to benefits attributable to the Economic Development Board	\$	15,000.00

Sec. 705. 1990 1st ex.s. c 16 s 711 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

General Fund Appropriation: For transfer to the

Institutional Impact Account	\$	((332,536))
		<u>465,806</u>

General Fund Appropriation: For transfer to the
Miscellaneous Fund--Tort Claims Revolving
Fund.

	\$	((796,539))
		<u>6,843,651</u>

Liquor Revolving Account Appropriation: For
transfer to the Miscellaneous Fund--
-Tort Claims Revolving Fund

	\$	160,000
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Resource Management Cost Account Appropriation:

<u>For transfer to the Miscellaneous Fund-- -Tort Claims Revolving Fund</u>	\$	<u>45,911</u>
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Forest Development Account Appropriation: For
transfer to the Miscellaneous Fund--
-Tort Claims Revolving Fund

	\$	<u>36,220</u>
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General Government Special Revenue Fund--State
Treasurer's Service Account Appropriation:
For transfer to the general fund on or before
July 20, 1991, an amount up to \$10,000,000
in excess of the cash requirements in the

State Treasurer's Service Account for fiscal year 1992, for credit to the fiscal year in which earned	\$ 10,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund--Water Quality Account	\$ ((15,378,000))
	<u>16,519,200</u>
Data Processing Revolving Account: For transfer to the General Fund	\$ 2,400,000
Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund	\$ 2,400,000
Public Facility Construction Loan Revolving Account: For transfer to the Public Facilities Construction Loan and Grant Revolving Account	\$ 430,000
Public Facilities Construction Loan and Grant Revolving Account: For transfer to the Economic Development Finance Authority Account contingent on an equal amount being transferred from the Public Facility Construction Loan Revolving Account to the Public Facilities Construction Loan and Grant Revolving Account. If the transfer to the Public Facilities Construction Loan and Grant Revolving Account does not occur, the transfer to the Economic Development Finance Authority Account shall not occur	\$ 430,000
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1989, through June 30, 1991	\$ 1,353,000
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1989, through June 30, 1991	\$ 14,000,000
Resource Cost Management Cost Account: For transfer to the University of Washington Bond Retirement Account	\$ 15,000,000
Resource Management Cost Account: For transfer to the Agricultural College Permanent Account, the Normal School Permanent Account, and the University of Washington Bond Retirement Account a maximum of \$20,000,000. The distribution of the transfer to these beneficiary accounts will be determined by the department of natural resources	\$ 20,000,000
Water Quality Account Appropriation: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit	\$ ((15,800,000))
	<u>9,836,827</u>
Building Code Council Account Appropriation: For transfer to the <u>General Fund</u>	\$ 210,000

General Fund Appropriation, FY 1991: For transfer to the law enforcement officers' and fire fighters' retirement system as provided in Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, this appropriation shall lapse	\$ 60,267,000
Conservation Areas Account: For transfer to the Natural Resources Conservation Area Stewardship Account	\$ 2,832,000)

"PART VIII
MISCELLANEOUS"

Sec. 801. RCW 43.33A.160 and 1985 c 57 s 32 are each amended to read as follows:

(1) The state investment board shall be funded from the earnings of the funds managed by the state investment board, proportional to the value of the assets of each fund, subject to legislative appropriation.

(2) There is established in the state treasury a state investment board expense account from which shall be paid the operating expenses of the state investment board. Prior to November 1 of each even-numbered year, the state investment board shall determine and certify to the state treasurer and the office of financial management the value of the various funds managed by the investment board in order to determine the proportional liability of the funds for the operating expenses of the state investment board. Pursuant to appropriation, the state treasurer is authorized to transfer such moneys from the various funds managed by the investment board to the state investment board expense account as are necessary to pay the operating expenses of the investment board. All earnings of investments of balances in the state investment board expense account shall be credited to the state investment board expense account.

(3) The legislature may appropriate specific amounts from the state investment board expense account to be used by the board for critical and unanticipated expenses incurred in exercising the board's fiduciary responsibilities associated with managing public trust and retirement funds. Before expending any amount under this subsection, the board shall authorize the expenditure by amount and purpose, and shall designate the fund or funds with respect to which the expenditure is authorized. The state treasurer shall transfer such amounts as are necessary to fully reimburse the state investment board expense account from the fund or funds with respect to which the expense is incurred to the state investment board expense account.

NEW SECTION. Sec. 802. This act is subject to the provisions, definitions, conditions, and limitations of chapter 19, Laws of 1989 1st ex. sess., as amended by chapter 16, Laws of 1990 1st ex. sess. and this act.

NEW SECTION. Sec. 803. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 804. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending 1990 1st ex.s. c 16 ss 105, 106, 108, 109, 111, 112, 114, 118, 119, 121, 122, 124, 128, 202, 205, 206, 207, 208, 209, 211, 212, 213, 216, 217, 218, 220, 221, 225, 227, 228, 229, 230, 231, 232, 302, 303, 309, 311, 502, 504, 505, 506, 507, 509, 510, 511, 512, 515, 516, 701, 711 (uncodified); amending 1989 1st ex.s. c 19 ss 113, 133, 201, 223, 506, 511, 616, 704, 708 (uncodified); amending 1990 c 299 s 202 (uncodified); amending RCW 43.33A.160; adding a new section to 1990 1st ex.s. c 16 (uncodified); repealing 1990 1st ex.s. c 16 s 210 and 1989 1st ex.s. c 19 s 209 (uncodified); repealing 1990 1st

ex.s. c 16 s 203 (uncodified); making appropriations; providing an effective date; and declaring an emergency."

Signed by Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ferguson; Fuhrman; Hine; Holland; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Sprengle; Valle; Vance; and Wang.

Excused: Representatives Morton, Assistant Ranking Minority Member; and Ebersole.

MOTION

On motion of Mr. Ebersole, the rules were suspended and the bill listed on today's committee report under the fifth order of business was placed on the second reading calendar.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Friday, April 19, 1991.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker